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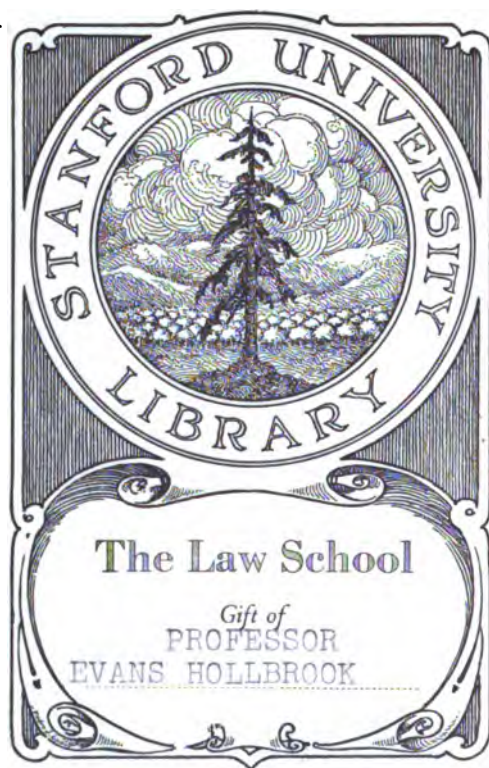
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Manuscript

PUBLIC ACTS
AND
JOINT AND CONCURRENT RESOLUTIONS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,
PASSED AT THE
REGULAR SESSION OF 1887,
WITH AN APPENDIX.



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VIA RAIL OR BY AIR

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PUBLIC ACTS.
or
THE LEGISLATURE
1887.

PUBLIC ACTS, 1887.

[No. 1.]

AN ACT to provide for the appointment of an assistant prosecuting attorney for the county of Bay, and to prescribe his duties and powers.

SECTION 1. *The People of the State of Michigan enact, That* the prosecuting attorney of the county of Bay is hereby authorized and empowered to appoint an assistant prosecuting attorney, which appointment shall be in writing and filed with the clerk of said county. Prosecuting attorney authorized to appoint assistant.

SEC. 2. The salary of said assistant prosecuting attorney shall not exceed the sum of one thousand dollars or be less than six hundred dollars per annum. Salary of.

SEC. 3. The salary of said assistant prosecuting attorney shall be fixed by the board of supervisors of Bay county, and shall be neither increased or diminished during the term for which he shall be appointed. By whom fixed.

SEC. 4. The said assistant prosecuting attorney shall perform such duties as may be required of him by the prosecuting attorney, and shall be subject to all the disqualifications and disabilities of the prosecuting attorney, and shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this State, and file the same, together with his acceptance, with the county clerk of said county. Duties of. Oath.

SEC. 5. The said assistant prosecuting attorney may sign and verify informations, and shall perform and execute all the duties required by law of the prosecuting attorney during the sickness, absence or disability of the prosecuting attorney. Further duties.

This act is ordered to take immediate effect.

Approved January 24, 1887.

[No. 2.]

AN ACT making an appropriation for the equipment, support and expenses of a State weather service.

SECTION 1. *The People of the State of Michigan enact, That* there shall be and hereby is appropriated out of the State treasury, Appropriation.

Purposes of.	for the purchase of fifty complete sets of instruments, two thousand and eighty-seven dollars and fifty cents; for weather signals, two hundred dollars; for distribution of weather indications and cold-wave warnings, for the display of weather signals, by telephone and telegraph, four thousand dollars; for stationery, records, books, and incidental expenses, seven hundred dollars; for salary of one assistant to the director of the State weather service, who shall be appointed by the State board of agriculture, sixteen hundred dollars; aggregating the sum of eight thousand five hundred and eighty-seven dollars and fifty cents; of which the first two items shall be paid during the year one thousand eight hundred and eighty-seven, and the remaining shall be paid, the one half during the year one thousand eight hundred and eighty-seven, and the other half during the year one thousand eight hundred and eighty-eight, which said moneys appropriated by this
When paid.	act, or so much thereof as shall be necessary, shall be expended, under the direction of the State board of agriculture, for the purpose aforesaid, by the director of the Michigan State weather service, detailed for the purpose from the signal corps of the United States army, and shall be drawn from the treasury on presentation of the proper certificates of said board [to] of the auditor general, and on his warrants to the State treasurer. All property purchased or acquired under the provisions of this act, or received for the purpose of carrying the same into effect shall be and remain the property of the State of Michigan, and shall be under the direction and control of the State board of agriculture; and the instruments, signals and record books so purchased, or required, or received shall be issued only in accordance with such rules and regulations as said State board of agriculture may prescribe.
How expended.	
How drawn.	
Property to belong to State.	
Summary of observations to Secretary of State.	SEC. 2. A summary of observations of the director of the Michigan State weather service, herein named, shall be furnished monthly to the Secretary of State for publication and distribution.
Taxes, when assessed.	SEC. 3. There shall be assessed upon the taxable property of the State in the year one thousand eight hundred and eighty-seven the sum of five thousand four hundred and thirty-seven dollars and fifty cents, and in the year one thousand eight hundred and eighty-eight, three thousand one hundred and fifty dollars, to be assessed and levied in like manner as other taxes are assessed, levied and paid, which tax when collected shall be credited to the general fund to reimburse to the same the sums to be drawn therefrom, as provided for in this act.
Manner of collecting.	

This act is ordered to take immediate effect.
Approved February 3, 1887.

[No. 3.]

AN ACT to amend section five thousand seven hundred and five of the general statutes of the State of Michigan, as compiled and annotated by Andrew Howell, as amended by act two hun-

dred and twenty-five of the session laws of eighteen hundred and eighty-five, relative to the discharge of mortgages in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section five thousand seven hundred and five of the general statutes of the State of Michigan, compiled and annotated by Andrew Howell, as amended by act number two hundred and twenty-five of the session laws of eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

(§5705) SEC. 45. When a recorded mortgage on lands or Petition of owner of lands under mortgage to circuit court.
 property has been paid and satisfied, or when fifteen years have elapsed since the debt secured by such mortgage became due and payable, or since the last payment made thereon, and no suit or proceedings has been commenced to collect the same, the owner of such land or property may present a petition to the circuit court for the county in which such land or property so incumbered is wholly or in part situated, duly verified by the oath of the petitioner, or by some one in his behalf, which shall state the name of the mortgageor and mortgagee, the date of the mortgage, and the liber and page of the record thereof, the facts in regard to payment of the debt thereby secured, or the non-commencement of such suit or proceeding within said fifteen years; and further, that the present residence or whereabouts of the mortgagee (or his assignee, if the mortgage shall have been assigned), is unknown to the petitioner, and that petitioner has been unable to ascertain the same after diligent search and inquiry; or, if such be the fact, that the mortgagee or assignee is deceased, and that three months have elapsed since his death, and that the names and residence of the legal representatives, if any there are, of the mortgagee or assignee, are unknown to the petitioner, and that he has been unable to ascertain the same after diligent search and inquiry; or, when such mortgagee is a trustee merely and without interest therein, that he does not reside in the State of Michigan; and such petition shall conclude with a prayer that an order of the court may be made discharging said mortgage and declaring it fully paid and satisfied. Upon the presentation of such petition, said court When court to deliver certificate to petitioner.
 may proceed to hear and determine the truth of the matters therein stated, and if it shall be made satisfactorily to appear to the court, either by the production in evidence of the original mortgage or of the bond, or bonds or promissory notes, to secure payment of which such mortgage was given, or by any other competent evidence, that the debt secured by such mortgage has been fully paid, both principal and interest thereof; or if it shall be made to appear to the court by competent evidence that said mortgage debt has been past due for fifteen years, or that fifteen years has elapsed since the last payment was made on such debt, and that no suit or proceeding has been commenced to foreclose such mortgage, the court shall make a certificate to that effect, setting forth therein the names of the witnesses and the nature of the evidence by which such facts have been made to appear, and a minute thereof shall be entered in the journal of said court, and such

certificate signed by the judge of said court and attested by the clerk thereof under the seal of said court, shall be delivered to said petitioner and may be recorded, in the office of the register of deeds for the county or counties in which such mortgage shall be of record, in like manner and with like effect in all respects as if it were a formal discharge of said mortgage duly executed by the mortgagee.

This act is ordered to take immediate effect.

Approved February 3, 1887.

[No. 4.]

AN ACT to punish drunk and intoxicated persons.

Punishment for
drunkenness.

SECTION 1. *The People of the State of Michigan enact:* That any person who shall be drunk or intoxicated in any hotel, tavern, inn or place of public business, or in any railway car, or street car, or in any street, alley, lane, highway, or railway, or other public place, or in any public assemblage of people, shall, on conviction thereof before any court of competent jurisdiction, be punished by a fine not exceeding twenty dollars and the costs of prosecution, or by imprisonment in the common jail of the county not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court.

Approved February 3, 1887.

[No. 5.]

AN ACT to amend section one of chapter three hundred and eighteen of Howell's Annotated Statutes of Michigan, relative to offenses against property, being compiler's section nine thousand one hundred and twenty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact:* That section one of chapter three hundred and eighteen of Howell's Annotated Statutes of Michigan, relative to offenses against property, being compiler's section nine thousand one hundred and twenty-three, be and the same is hereby amended so as to read as follows:

Penalty for
burning dwell-
ing house in
night time.

SECTION 1. Every person who shall willfully and maliciously burn in the night-time the dwelling house of another, or shall, in the night-time willfully and maliciously set fire to any other building, owned by himself or another, by the burning whereof such dwelling-house shall be burnt in the night-time, shall be punished by imprisonment in the State prison for life, or a term of years at the discretion of the court.

Approved February 3, 1887.

[No. 6.]

AN ACT to amend sections one and three of an act entitled "An act to provide for the organization of the supreme court, pursuant to section two of article six of the constitution," so as to provide for the election of an additional justice of the supreme court, and to extend the terms of office of the justices, being sections six thousand three hundred and eighty-two and six thousand three hundred and eighty-four of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
sections one and three of an act entitled "An act to provide for the organization of the supreme court, pursuant to section two, article six of the constitution," approved February sixteen, eighteen hundred and fifty-seven, be, and the same are hereby amended so as to read as follows:

(§6382.) SECTION 1. That from and after the first day of January, in the year one thousand eight hundred and eighty-eight, the supreme court shall consist of a chief justice and four associate justices to be chosen by the electors of this State, and in the meantime the supreme court shall continue as at present organized. Supreme court of whom to consist.

(§6384.) SEC. 3. At the election to be held in the several townships and cities of this State on the first Monday of April, one thousand eight hundred and eighty-seven, there shall be elected one associate justice of the supreme court who shall enter upon office on the first day of January, one thousand eight hundred and eighty-eight, and shall hold his office eight years from the first day of January, one thousand eight hundred and eighty-eight, and one associate justice of the supreme court who shall enter upon the duties of his office January first, one thousand eight hundred and eighty-eight, and hold his office for the term of ten years from the first day of January, one thousand eight hundred and eighty-eight. The ballots cast for such justices shall designate the length of the term of service of each justice voted for. And after said election one associate justice of the supreme court shall be elected every two years and their terms of office shall be ten years; the place of each justice shall be filled by an election to be held on the first Monday in April preceding the expiration of his term of service, and the present justices shall hold office until the expiration of the terms for which they were elected. Election of associate justices and terms of. Ballots, what to designate. Subsequent elections, terms of office, etc.

This act is ordered to take immediate effect.

Approved February 5, 1887.

[No. 7.]

AN ACT to amend section three thousand three hundred and thirty-two, of article two, chapter ninety-one of the general statutes of the State of Michigan, compiled and annotated by Andrew Howell, relative to the corporate powers and duties of directors of railroad companies.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three thousand three hundred and thirty-two of the general statutes of the State of Michigan, compiled and annotated by Andrew Howell, relative to the corporate powers and duties of directors of railroad companies, be and the same is hereby amended so as to read as follows:

Proceedings to
acquire title to
begin by peti-
tion for appoint-
ment of
commissioners.

Contents of
petition.

(§3332) SEC. 18. For the purpose of acquiring such title, such company may present a petition to any court of record for such county, praying for the appointment of three commissioners. Said petition shall be in the name of the company, shall be signed by one of the directors, or the engineer or the attorney of said company on its behalf, and shall be verified by the oath of the person so signing the same, and shall contain the description of all the real estate, property or franchises, or so much thereof as the company seeks to acquire under such petition in said county; and that said company is duly incorporated; that it has a railroad, or a railroad tunnel, constructed, specifying the points from and to which the same is in operation, or that it is the intention of said company, in good faith, to construct, finish and maintain a railroad, or a railroad tunnel, from and to the places named for that purpose in its articles of association; that the capital stock of the company has been in good faith subscribed as required by this act to organize such company; that the company has surveyed the route of its proposed road in said county, or of its railroad tunnel, as the case may be, and made a map and survey thereof by which said route is designated; and that it has located its said road, or railroad tunnel, according to such survey, and filed a certificate thereof, signed by a majority of the directors of said company, in the register's office of said county; that the property described in the petition is required for the purpose of constructing, operating or repairing the railroad or its appurtenances, or the railroad tunnel or its appurtenances, as the case may be; and that the taking thereof is necessary for public use, and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can with reasonable diligence be ascertained, who own, or have, or claim to own [or] and have, estates or interests in said lands or property; and if any such persons are infants, their ages, as near as may be, must be stated, and if any of them are idiots, or persons of unsound mind, or are unknown, it must be so stated, together with such other facts and allegations as to incumbrances or otherwise, as will be sufficient to show who have or claim to have interests in said lands, real estate or property, and such other matters as the company may see fit to make. A copy

of such petition, with a notice of the time and place, when and where the same will be presented to such court, must be served on all persons whose interest will be affected by the proceeding, at least ten days prior to the presentation of the same to the court, as follows, viz. :

Service of petition and notice of time of presenting to court

First, If the person on whom service is to be made resides in this State, and is not an infant under the age of fourteen years, idiot or person of unsound mind, service of a copy of such petition and notice must be made on him, or his agent or attorney authorized to contract for the sale of real estate described in the petition, personally, or by leaving the same at the usual place of residence of such person, or agent, with some person of suitable age ; and if he resides out of this State, but has such agent as aforesaid residing in this State, then such service may be made on such agent in the manner aforesaid, or upon him personally out of or within this State ; or it may be by publishing a notice stating briefly the object of the application, and giving a description of the land, interest therein, or property to be taken, and in some paper published in the county in which the said lands or property are situated, if there be one, and if not, then in some weekly paper published in the city of Detroit once in each week for six successive weeks next previous to the presentation of the petition ; and if the residence of such person or persons residing out of this State be known, a copy of such petition and notice shall be deposited in the postoffice at least thirty days previous to presenting such petition, directed to such person at his place of residence, as near as may be, postage prepaid.

How made upon responsible residents of the State.

Second, If any person on whom such service is to be made is a minor under the age of fourteen years, or an idiot, or person of unsound mind, and resides in this State, such service shall be made as aforesaid, on his guardian, or if none, then on the person who has the care of, or with whom such infant, idiot or person of unsound mind resides.

Upon minors and idiots.

Third, If the person on whom such service is to be made be unknown, or his residence unknown, then such service may be made by publication for six weeks in the same manner provided in the first subdivision of this section, and the court or judge shall appoint an attorney to appear for and protect the rights of any such person.

Upon persons whose names and residences are unknown.

Fourth, In case any party to be affected by the proceedings is an infant, idiot or person of unsound mind, and has no guardian, the said court, or the judge of said court, shall appoint a special guardian or committee to appear for, and attend to, the interests of such infant, idiot or person of unsound mind, and all notices to be served in the progress of the proceeding may be served on such special guardian.

Upon minors, idiots, etc., not under guardianship.

Fifth, In all cases not otherwise provided for, service of orders, notices and other papers in the proceedings authorized by this act, may be made as the said court or judge may direct.

In other cases.

This act is ordered to take immediate effect.

Approved February 5, 1887.

[No. 8.]

AN ACT to amend section three thousand three hundred and forty of article two, chapter ninety-one of the general statutes of the State of Michigan, compiled and annotated by Andrew Howell, relative to the corporate powers and duties of railroad companies.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section three thousand three hundred and forty of the general statutes of the State of Michigan, compiled and annotated by Andrew Howell, relative to the corporate powers and duties of directors of railroad companies, be, and the same is, hereby amended so as to read as follows:

Proceedings
when title
sought is
defective.

(§3340). SEC. 26. At any time after an attempt to acquire title by any railroad or railroad tunnel company, by an appraisal of damages or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same in like manner as if no appraisal had been made, and at any stage of such new proceedings the court may authorize the corporation, if in possession, to continue in possession, and if not in possession, to take possession of and use such real estate or other property during the pendency and until the final conclusion of such new proceedings; and may stay all actions or proceedings against any company or any officer or workman of such company, on account thereof, on such company paying into court a sufficient sum, or giving security, as the court may direct, to pay the compensation therefor when finally ascertained; and in every such cause the party interested in such real estate or other property may conduct the proceedings to a conclusion if the company delays or omits to prosecute the same:

Proviso, relative
to acquiring
title after occu-
pying lands.

Provided, Any railroad or railroad tunnel company, which has heretofore entered upon, taken, occupied and used any lands within this State for the purpose of its road, shall have the same right to acquire title to, or right of way over, through or under said lands so taken by them, as if they had proceeded to acquire said title or right of way before having entered upon the same.

This act is ordered to take immediate effect.

Approved February 5, 1887.

[No. 9.]

AN ACT to punish persons obtaining certificates of registration of cattle and other animals by means of false pretenses and to punish giving false pedigrees.

Certificates
obtained by
false pretense,
etc., punish-
ment for.

SECTION 1. *The People of the State of Michigan enact, That* every person who knowingly or designedly by means of any false pretense shall obtain from any club, association, society, or company for improving the breed of cattle, horses, sheep, swine, or other domestic animals, a certificate of registration of any animal in the herd register or other register of any such club, association,

society, or company, or a transfer of any such registration, and every person who shall knowingly give a false pedigree of any animal, with intent to defraud, upon conviction thereof shall be punished by imprisonment in the State prison for a term not exceeding three years or in a county jail for a term not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved February 5, 1887.

[No. 10.]

AN ACT to provide for the confinement of certain prisoners in the Detroit House of Correction.

SECTION 1. *The People of the State of Michigan enact*, That all female prisoners, who heretofore have been or shall hereafter be sentenced to imprisonment in the common jail of any county for a longer period than ninety days, in those counties where, at the time of such sentence, no contract had been made for the confinement of prisoners from such counties in the Detroit house of correction, upon the order of the judge of the judicial circuit to which said county is attached, may be immediately conveyed to the Detroit house of correction to serve out the remainder of their sentences as soon as such a contract shall be made between said counties and said Detroit house of correction: *Provided*, That the unexpired portion of said sentence is not less than sixty days.

Certain prisoners who may be transferred to house of correction.

Proviso.

SEC. 2. Upon being informed of such contract the sheriff of such county may immediately, upon receipt of the certificate of the judge as above provided, convey such prisoners to the Detroit house of correction, and the commitment directed to the sheriff of such county shall be sufficient warrant for the reception and confinement of such prisoners in the Detroit house of correction.

Duties of sheriff.

This act is ordered to take immediate effect.

Approved February 5, 1887.

[No. 11.]

AN ACT to prevent the adulteration of candies and confectioneries and the sale thereof, when so adulterated as to be injurious to the public health.

SECTION 1. *The People of the State of Michigan enact*, That any person or persons manufacturing for sale or knowingly selling or offering to sell any candies or confectioneries adulterated by the admixture of terra alba, barytes, talc, or other earthy or mineral substances, or any poisonous colors, flavors or extracts, or other deleterious ingredients detrimental to health, shall upon proper conviction thereof, before a court of competent jurisdiction, be punished by a fine not less than ten nor more than one hundred dol-

Adulteration of candies.

Punishment for.

lars, or imprisonment in the county jail not less than ten nor more than thirty days, or both such fine and imprisonment in the discretion of the court.

Duties of health
officers.

SEC. 2. It is hereby made the duty of the local health officer or local board of health having jurisdiction thereof to investigate without unnecessary delay all complaints that may be properly brought before them and containing facts as supported by affidavit of the parties complaining of the adulteration or sale of adulterated candies or confectioneries, and if after investigation by such officer or board reasonable cause for action is found to exist, then such officer or board shall at once give notice to the prosecuting attorney of the county in which such complaint is made, and make or cause to be made, before a proper officer, a formal complaint in writing and duly verified, and thereupon said prosecuting attorney shall immediately commence proceedings against the person or persons so offending.

Of prosecuting
attorney.

Approved February 5, 1887.

[No. 12.]

AN ACT making an appropriation to pay a deficiency existing in the building and furnishing fund of the Michigan Soldiers' Home.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated from the general fund the sum of thirty thousand dollars, to meet the deficiency existing in the building and furnishing fund of the Michigan Soldiers' Home.

Purpose of.

Tax.

SEC. 2. Of the above mentioned sum the Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and eighty-seven the sum of thirty thousand dollars, which sum, when collected, shall be passed to the credit of the general fund.

This act is ordered to take immediate effect.

Approved February 7, 1887.

[No. 13.]

AN ACT to abolish the superior court of Detroit, and to provide for the transfer of the records of said court to the circuit court for the county of Wayne.

Superior court
abolished.

SECTION 1. *The People of the State of Michigan enact*, That from and after the third day of March, one thousand eight hundred and eighty-seven, the superior court of Detroit, as established by act fifty-nine of the public acts of the Legislature of Michigan of the year eighteen hundred and seventy-three, entitled "An act to provide for a municipal court in the city of Detroit, to be called the superior court of Detroit," approved March twenty-eight,

eighteen hundred and seventy-three, shall be and is hereby abolished and discontinued.

SEC. 2. It shall be the duty of the clerk of said superior court, upon the taking effect of this act, to at once proceed and prepare the records, files and papers in his office, pertaining to said court, for transmission to the circuit court for the county of Wayne, and in the performance of such duty he shall attach to the papers on file in his office in each case then undetermined, his certificate that the said papers, enumerating them, are the original papers on file in said cause and the whole thereof, which certificate shall be accepted in all courts and places as *prima facie* correct, and in all cases theretofore determined he shall upon the wrapper in each case containing the files therein endorse the words "official files" and sign the same as such clerk, with the date of such endorsement, and when such files are transmitted to said circuit court, as hereinafter provided, such files so endorsed shall be received in all courts and places without other or further proofs. Said clerk shall also, immediately below or after the last preceding entry in the several records in said court, certify that the foregoing entries therein are correct, and such records shall thereafter be admitted in all courts and places as correct: *Provided, however,* That in case the clerk of said superior court shall be unable after the passage of this act and within the time fixed herein for abolishing said court, to certify to all the records, files and papers as herein provided, then and in such case it shall be the duty of said clerk to first certify the records, and the files in cases noticed for trial at the March term of said court, and the clerk of said court shall continue to hold his said office after the time so fixed in order to perform and complete his duties as clerk, and as prescribed in this act, but for no longer period nor for any other purpose.

Clerk to prepare records and papers, attach certificates, etc.

Contents of certificates.

Endorsement to be proof.

Provide as to time of completing his duty.

SEC. 3. It shall be the duty of said clerk upon the fourth day of March, eighteen hundred and eighty-seven, or as soon thereafter as he can prepare and certify to the same as herein provided, to transmit and deliver to the clerk of the circuit court for the county of Wayne at his office, all records, books, files and papers of whatever name or nature belonging to or a part of the superior court of Detroit, and said clerk of said superior court shall prepare and present to the board of auditors of Wayne county, an account for services performed under this act, by himself and by his deputy clerk, which said board shall audit and allow.

Time of delivery of books, records, etc.

Payment therefor.

SEC. 4. Upon delivery to the clerk of the said circuit court as aforesaid of such records, books, files and papers, the same shall thereupon and thereafter be taken and become a part of the records of said circuit court, and all liens or other rights acquired, at the commencement of any suit in said superior court or afterwards therein, shall be unaffected by such transfer and shall remain as though such suit had been commenced and such lien or right acquired in said circuit court; and it shall be the duty of said circuit court to proceed in each cause so transferred, unto trial, judgment or final decree therein as though the same had been commenced in said circuit court; and causes noticed for trial at the March

Books, files, etc. to become part of circuit court records.

Trials to proceed in circuit court.

Judgments how enforced, etc.	term, eighteen hundred and eighty-seven, of said superior court, shall proceed to trial, or hearing, at the March term of said circuit court, as though commenced in said circuit court and noticed for said term. All judgments, orders, and decrees, heretofore, or which may hereafter be granted, entered or made in said superior court, shall be enforced by execution or other proper process of said circuit court as though such judgment, order or decree had been made or entered therein, but such execution or other process shall indicate, in the body thereof, that the same is issued upon a judgment, order or decree rendered in said superior court and of the date thereof, and all process, original and final, issued out of said superior court shall, after March four, eighteen hundred and eighty-seven, be returned to said circuit court.
Executions or other process what to in indicate.	
When returnable.	
Bills of exception, how prepared.	SEC. 5. All causes heretofore or hereafter tried in said superior court, in which judgment or decree shall have been rendered, the party considering himself aggrieved thereby, may proceed, within the time allowed by law, to prepare from the minutes of the official stenographer of said superior court, a bill of exceptions, or a copy of the testimony in a chancery case, if taken in open court, and have the same settled for the supreme court by the presiding judge of said circuit court, as though said cause had been commenced and tried or heard therein; and all records and papers in any cause now pending in or that may hereafter be removed to the supreme court from said superior court, shall, by the clerk of said supreme court, be certified and transmitted to said circuit court for the county of Wayne, and said cause shall proceed in said circuit court thereafter, as though commenced therein, and said circuit court shall have power and it shall be its duty, from time to time, to make and enforce such rules and orders as may be necessary to fully and effectually carry into effect the provisions of this act.
Supreme court to transmit records, etc., to Wayne county circuit court.	
Wayne circuit court to enforce rules and order.	
Certain acts to be void.	SEC. 6. Act number fifty-nine, of the public acts of eighteen hundred and seventy-three, and all acts and parts of acts contravening the provisions hereof, shall be considered as void and of no effect as applying to said superior court from and after said third day of March, eighteen hundred and eighty-seven. This act is ordered to take immediate effect. Approved February 17, 1887.

[No. 14.]

AN ACT to provide for the ceding to the United States of exclusive jurisdiction over the site and grounds selected, or hereafter to be selected, for the erection of a public building for the uses of the United States court, postoffice, custom house, internal revenue office and other public offices of the United States, in the city of Bay City, Michigan, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the State of Michigan and the service of civil process therein.

SECTION 1. *The People of the State of Michigan enact, That*

the State of Michigan hereby cedes to the United States exclusive jurisdiction over the site and grounds selected, or hereafter to be selected, for the erection of a public building or buildings for the uses of the United States court, postoffice, custom house, internal revenue office and other public offices of the United States, in the city of Bay City, Michigan, during the time the United States shall be and remain the owner thereof, for all purposes except the administration of the criminal laws of the State of Michigan and the services of civil process therein.

Public building, site for, ceded to U. S.

Uses of.

Exception.

This act is ordered to take immediate effect.

Approved February 25, 1887.

[No. 15.]

AN ACT providing for the ceding to the United States of exclusive jurisdiction over the site and grounds selected, or to be hereafter selected, for the erection of a public building for the uses of the United States postoffice, custom house, court, internal revenue office, and other public offices of the United States in the city of East Saginaw, Michigan, during the time the United States shall be, or remain the owner thereof, for all purposes except the administration of the criminal laws of the State of Michigan, and the service of civil process therein.

SECTION 1. *The People of the State of Michigan enact, That* the State of Michigan hereby cedes to the United States exclusive jurisdiction over the site and grounds selected, or to be hereafter selected, for the erection of a public building for the uses of the United States postoffice, custom house, court, internal revenue office, and other public offices of the United States in the city of East Saginaw, Michigan, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the State of Michigan and the service of civil process therein.

Public building, site for, ceded to U. S.

Uses of.

Exception.

This act is ordered to take immediate effect.

Approved February 25, 1887.

[No. 16.]

AN ACT to amend section two of chapter one of act number sixteen of the session laws of eighteen hundred and sixty-two, entitled "An act for the reorganization of the military forces of the State of Michigan," approved January eighteen, eighteen hundred and sixty-two, being consecutive section eight hundred and sixty-nine of Howell's Annotated Statutes of the State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* section two of chapter one of act number sixteen of the session laws of eighteen hundred and sixty-two, entitled "An act for the reorganization of the military forces of the State of Michigan,"

Section amended.

approved January eighteen, eighteen hundred and sixty-two, being consecutive section eight hundred and sixty-nine of Howell's Annotated Statutes of the State of Michigan, be and the same is hereby amended so as to read as follows:

Assessor, duties of, relative to persons liable to do military duty

(§869) SEC. 2. The officers acting as assessors of every township, ward or city, shall immediately upon an order from the Governor of this State to that effect, return a list of the names of all persons who are liable to do military duty residing in their township, ward or city, to the county clerk, who shall, within twenty days after the receipt of such return, number the names and file the lists in his office, and return the aggregate number of all the persons so enrolled in his county to the Adjutant General. The assessors shall have power to question, under oath, which they are hereby authorized to administer, any person deemed liable to do military duty, but who denies the same; and if any person refuses to be sworn, the assessor shall enroll his name in the same manner as though he had admitted his liability. Upon the return of the assessor's list to the county clerk, properly certifying that he has enrolled all persons who are liable to do military duty residing in his township, city or ward, he shall be paid two cents each for all persons so enrolled, out of the treasury of the county. If any assessor or county clerk shall willfully neglect or refuse to perform the duty enjoined upon them by this act, the person or persons guilty of such refusal or neglect, shall be liable to a penalty of not less than one hundred, or more than five hundred dollars, to be recovered by action of debt before any circuit court, in the name of the People of the State of Michigan; and it shall be the duty of the prosecuting attorney of the county to prosecute the same. All moneys accruing from such prosecution, shall, after deducting the legal costs and charges, be paid into the county treasury. In cases where such lists are not made out and filed, as herein provided, and when the same may be deemed absolutely necessary to the public safety, the Governor is authorized to cause such lists to be made by any other suitable person, to be by him designated, who shall have the same powers and receive therefor the same compensation as provided herein for assessors.

Power of, to question under oath.

Fees of.

Penalty for neglect of duty.

Moneys so accruing where paid.

Power of Governor in case lists are not made.

This act is ordered to take immediate effect.

Approved March 1, 1887.

[No. 17.]

AN ACT to make valid the collection of taxes and sales of property under assessments made prior to the passage of act number one hundred and fifty-three of the session laws of eighteen hundred and eighty-five, entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon," approved June nine, eighteen hundred and eighty-five.

Assessments prior to act 158, session laws 1885, made valid.

SECTION 1. *The People of the State of Michigan enact, That* where taxes have been assessed prior to the passage of act number one hundred and fifty-three of the session laws of eighteen hun-

dred and eighty-five, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved June nine, eighteen hundred and eighty-five, and are uncollected, and no sale has been had, all proceedings for the collection of such taxes and for the sale of property, where necessary, may be had in accordance with the provisions of such act number one hundred and fifty-three of the session laws of eighteen hundred and eighty-five; and such proceedings for the collection and for the sale and conveyance of property, shall be in all respects as valid, and have the same presumptions in their favor, as if such taxes had been assessed under said act number one hundred and fifty-three.

SEC. 2. When sales have been heretofore had for such taxes, Sales valid in certain cases. under the provisions of said act number one hundred and fifty-three, such sales and all subsequent proceedings and conveyances are hereby declared as valid, and entitled to the same presumptions in their favor as if such taxes had been assessed under said act number one hundred and fifty-three.

Approved March 1, 1887.

[No. 18.]

AN ACT to authorize the organization of corporations to improve the breed of horses by promoting the interests of the American Trotting Turf.

SECTION 1. *The People of the State of Michigan enact,* That Five or more persons may incorporate. any five or more persons may associate themselves together as a body corporate, for the purpose of improving the breed of horses by promoting the interests of the American Trotting Turf; and which corporations shall, so far as the same are applicable, be subject to the general statutory provisions of this State relating to corporations.

SEC. 2. Such persons shall execute and acknowledge articles of association in which shall be specified: Articles of association.

First. The name of the association;

Second. The capital stock and the number of shares into which the same shall be divided, or the terms and conditions of membership therein; What to set forth.

Third. The place in this State where the principal business office of the corporation shall be located;

Fourth. The term for which the corporation is organized, not exceeding thirty years.

SEC. 3. The said articles of association shall be filed with the Secretary of State, and a copy thereof recorded in the office of the county clerk of the county where the principal business office of the corporation is established, and thereupon the association shall be a body corporate under the name mentioned in said articles of association. Where filed. Body corporate.

SEC. 4. Shares of stock or certificates of membership in such corporations may be held by individuals, corporations, partner- Shares of stock by whom held.

ships, voluntary associations, and by State, county, and town agricultural societies organized under the laws of this State, or of any other State, or of the Dominion of Canada.

Limitation as to
real estate.

SEC. 5. Corporations organized under this act shall only hold such real estate as may be necessary to enable them to carry on their business, and as shall be actually occupied by them in the exercise of their franchises.

This act is ordered to take immediate effect.

Approved March 1, 1887.

[No. 19.]

AN ACT making appropriation for deficiency in construction and furnishing the Michigan asylum for insane criminals.

Appropriation.

Purpose of

SECTION 1. *The People of the State of Michigan enact*, That there be appropriated from the general fund for the purpose of supplying the deficiency in the appropriation heretofore made for completing the construction and furnishing the Michigan asylum for insane criminals at Ionia, the sum of twenty-five hundred dollars.

Auditor General
to incorporate
in tax of 1887.

SEC. 2. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-seven the sum appropriated by section one of this act, which amount, when collected, shall be passed to the credit of the general fund.

This act is ordered to take immediate effect.

Approved March 4, 1887.

[No. 20.]

AN ACT to prevent the taking of bonds, promissory notes, and other evidences of indebtedness, in whole or part consideration of bonds, contracts, and other agreements for the sale of grain, seeds, and other cereals, at a fictitious price, and to prevent the sale and transfer of such evidences of indebtedness, and to provide a punishment therefor.

To prevent the
taking of bonds
etc., in consid-
eration of
contracts in
certain cases.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person, either for his own benefit, or as the agent of any corporation, company, association, or person, to procure the signature of any person as maker, indorser, guarantor, or surety thereon, to any bond, bill, receipt, promissory note, draft, check, or any other evidence of indebtedness as the whole or part consideration for any bond, contract, agreement, or promise given to the vendee of any grain, seed, or other cereals, binding the vendor or any other person, corporation, company, association, or the agent thereof, to sell for such vendee any grain, seed, or cereals at a fictitious price, or at a price equal to or more than twice the market price of such grain, seed, or cereals.

SEC. 2. No person shall sell, barter or dispose of, or offer to sell, barter or dispose of, either for his own benefit or as the agent of any corporation, company, association or person, any bond, bill, receipt, promissory note, draft, check, or other evidence of indebtedness, knowing the same to have been obtained as the whole or part consideration for any bond, contract, agreement, or promise given to the vendee of any grain, seed or cereals, binding the vendor or any other person, corporation, company, association, or agent thereof, to sell for such vendee any grain, seed, or cereals, at a fictitious price, or at a price equal to or more than twice the market price of such grain, seed, or cereals: *Provided*, That this section shall not apply to evidences of indebtedness given prior to the passage of this act. To prevent sale and transfer of such bonds, notes, etc. Proviso.

SEC. 3. Any person or persons who shall violate any of the provisions of this act, upon conviction thereof, shall be punished by imprisonment in the State prison for a term not exceeding three years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment in the discretion of the court. Penalty.

This act is ordered to take immediate effect.

Approved March 4, 1887.

[No. 21.]

AN ACT to amend sections one, two and four of an act entitled "An act to ascertain the annual cereal products of the State of Michigan," approved February fourteen, eighteen hundred and fifty-nine, as amended by act number twenty-four, session laws of eighteen hundred and seventy-nine, approved April two, eighteen hundred and seventy-nine, being sections eight hundred and thirty-three, eight hundred and thirty-four and eight hundred and thirty-six of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two and four of an act entitled, "An act to ascertain the annual cereal products of the State of Michigan," approved February fourteen, eighteen hundred and fifty-nine, as amended by act number twenty-four, session laws of eighteen hundred and seventy-nine, approved April two, eighteen hundred and seventy-nine, being section eight hundred and thirty-three, section eight hundred and thirty-four and eight hundred and thirty-six of Howell's Annotated Statutes, be amended so as to read as follows: Sections amended.

SECTION 1. That it shall be the duty of the supervisor of each township and ward, and assessor of each assessment district, at the time of taking a list of the taxable property, or between the first Monday of April and the third Monday of May in each year, to ascertain and set down in a table prepared for that purpose, the number of acres of improved land in each farm; the number of acres sown with wheat then on the ground; the number of acres and the number of bushels each of corn, wheat, oats, clover seed, and potatoes raised, and the number of acres and the number of Supervisors, etc., to collect statistics.

tons of hay cut the preceding year; the number of pounds of wool, and the number of sheep sheared the preceding year; the number each of horses, cattle (other than milch cows), sheep and hogs six months old and over; the number of milch cows; the number of acres of apple trees, and the number of acres of peach trees, and such other facts relating to agriculture, pomology and horticulture as may be deemed useful; and it shall be the duty of each supervisor and assessor to forward the said tabular statement to the Secretary of State, on or before the twenty-fifth day of May next thereafter, officially certified to as being correct and true according to his best knowledge and belief.

To forward statement to Secretary of State.

Secretary of State to arrange for publication and present abstract of, to Governor.

To have printed abstracts for distribution.

To have printed supplemental reports relative to wool, wheat, etc.

Also, statements of importance to pomologists, etc

Penalty of Supervisors for neglect of duties. Penalty for refusing to give information.

SEC. 2. The Secretary of State shall condense and arrange in proper form for publication, the statistics taken in pursuance of the provisions of this act, and present an abstract of the same to the Governor on the first day of August of each year, or as soon thereafter as practicable. The Secretary of State shall also cause a sufficient number of copies of such abstracts to be printed, to furnish one copy to each newspaper published in this State, one copy to each member of the Legislature, one copy to each supervisor and assessor, one copy to each crop correspondent, and five hundred copies for general distribution. The Secretary of State shall also cause supplemental reports to be printed in connection with and part of the monthly crop reports stating, not later than the month of June, the number of pounds of wool and the number of sheep sheared the preceding year, and the number of sheep to be sheared the year of taking the report, and not later than the month of July, comparative tables showing the number of acres of wheat, oats, clover seed and hay cut the preceding year, and the number of bushels of grain and tons of hay harvested the preceding year, together with the number of acres of wheat and hay on ground at time of taking such report, and the condition of the same. The Secretary of State shall also cause to be printed, in either the monthly crop reports or annual abstract, and statements or deductions which he may deem to be of importance to the agriculturists, pomologists and horticulturists, including the results of excessive cropping or mixed farming.

(§836.) SEC. 4. Any supervisor or assessor willfully neglecting or refusing to perform all the duties prescribed by this act shall forfeit the sum of fifty dollars. And any person refusing to give the information required by this act shall forfeit the sum of fifty dollars, to be recovered in either case in the name of the People of the State of Michigan, for the use of the contingent fund of the township where such failure or refusal occurred.

This act is ordered to take immediate effect.

Approved March 5, 1887.

[No. 22.]

AN ACT to amend section four thousand five hundred and forty-seven of the compiled laws of eighteen hundred and seventy-one, as amended by act twenty of the laws of eighteen hundred and seventy-one, being section six thousand and twenty-seven of Howell's Annotated Statutes, relative to the sale of real estate of deceased persons by executors and administrators.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand five hundred and forty-seven of the compiled laws of eighteen hundred and seventy-one, as amended by act twenty of the laws of eighteen hundred and seventy-one, being section six thousand and twenty-seven of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 6027. If it shall appear by such petition that there is not sufficient personal estate in the hands of the executor or administrator to pay the debts outstanding against the deceased, and the expense of administration, and that it is necessary to sell the whole or some portion of the real estate for the payment of such debts, the judge of probate shall thereupon make an order directing all persons interested in the estate to appear before him at a time and place therein to be specified, not less than three weeks and not more than eight weeks from the time of making such order, to show cause why a license should not be granted to the executor or administrator applying therefor, to sell so much of the real estate of the deceased as shall be necessary to pay such debts. Proceedings when personal estate is insufficient to pay debts.

This act is ordered to take immediate effect.

Approved March 8, 1887.

[No. 23.]

AN ACT to amend section four thousand five hundred and thirty-one of the compiled laws of eighteen hundred and seventy-one, as amended by act one hundred and eighty-four of the Laws of eighteen hundred and seventy-five, being section six thousand and eleven of Howell's Annotated Statutes, relative to specific performance by executors and administrators of land contracts of deceased persons.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand five hundred and thirty-one of the compiled laws of eighteen hundred and seventy-one, as amended by act one hundred and eighty-four of the laws of eighteen hundred and seventy-five, being section six thousand and eleven of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 6011. On the presentation of a petition by any person claiming to be entitled to such conveyance from any executor or administrator, setting forth the facts upon which such claim is predicated, the judge of probate shall make an order appointing a Notice of hearing of petition for conveyance of real estate of deceased persons.

time and place for hearing such petition, a copy of which order shall be published at least once in each week for three successive weeks before the time fixed for such hearing in such newspaper or newspapers in this State as the court shall direct, or cause a copy of said order to be personally served upon the heirs at law or other parties interested in said estate at least fourteen days before the day of hearing.

This act is ordered to take immediate effect.

Approved March 9, 1887.

[No. 24.]

AN ACT to amend section four thousand six hundred and six of the compiled laws of eighteen hundred and seventy-one, being section six thousand and eighty-six of Howell's Annotated Statutes, relative to sale of lands of minors and other persons under guardianship.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand six hundred and six of the compiled laws of eighteen hundred and seventy one, being section six thousand and eighty-six of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Order to show
cause, etc.

SEC. 6086. If it shall appear to the court from such petition, that it is necessary, or would be beneficial to the ward, that such real estate or some part of it should be sold, the court shall thereupon make an order, directing the next of kin of the ward, and all persons interested in the estate, to appear before such court at the time and place therein to be specified, not less than three nor more than eight weeks from the time of making such order, to show cause why a license should not be granted for the sale of such estate.

This act is ordered to take immediate effect.

Approved March 9, 1887.

[No. 25.]

AN ACT to provide for three additional circuit judges for the third judicial circuit.

Provision for
additional
circuit judges.

SECTION 1. *The People of the State of Michigan enact*, That after the first day of May, eighteen hundred and eighty-seven, there shall be three additional circuit judges for the third judicial circuit, in which the city of Detroit is situated. The four judges of said circuit shall have equal and coördinate powers and duties, but when sitting together a concurrence of three shall be sufficient: *Provided*, That when the four judges are sitting together and there shall be an equal division of the court respecting any question pending in said court, the opinion thereon of the presiding judge

Powers and
duties of, co-or-
dinate and con-
current.

shall be received as the determination of the court, and the proper order, judgment, or decree in accordance with such opinion, shall be entered thereon, and such order, judgment or decree shall have the same effect as though the same had been concurred in by all the members of said court. One of said judges shall constitute a quorum for the transaction of business, and they shall have power by an order to be entered upon the court journal in general terms specifying or classifying the business assigned, to apportion among themselves the business to be transacted as they may, from time to time, order and direct. They shall, from term to term, designate one of their number to act as presiding judge of the court, with power, unless otherwise ordered by the court, to assign and apportion the business as aforesaid among said judges. In case of the absence, illness or inability from other cause of such presiding judge to act, the other judges shall designate by order to be entered on the journal, one of their number to act as presiding judge until the disability is removed.

SEC. 2. Whenever any cause, matter or proceeding or any motion, application or other business shall be assigned to one of said judges, a journal entry thereof shall be made by the clerk of the court, and the said judge shall proceed to hear, try and dispose of the business so assigned to him with the same force and effect as if he was the only judge of said circuit, and subject to and with the power and authority conferred by all the rules of practice, and of law applicable to circuit courts having only one judge, and thereupon said judge may proceed with the trial or hearing or other business so assigned to him in the principal court room, or in a separate room attended by the clerk or one of his deputies, and by the sheriff or one or more of his deputies, by a stenographer and by jurymen not engaged in the trial of other causes, if it be a cause to be tried by a jury, and such judge while so sitting for the transaction of business shall have all the powers of any circuit judge sitting in any circuit court in this State, and the proceedings shall be regarded as proceedings of the circuit court had in open court and at a session of the said circuit court. If a sufficient number of jurymen shall not be in attendance upon the court, and not engaged on the trial of other causes, said judge may direct talesmen to be summoned as in other cases. The said judges may make rules from time to time in relation to the making up of the trial docket and as to the disposition of the business of the court not inconsistent with any general laws of the State.

SEC. 3. A record of proceedings before each of the judges shall be entered in the journal of the court in the usual manner, the same as though the judges were sitting together, a brief memorandum being entered opposite each entry of the particular judge before whom the business is transacted, and said record shall be verified by the signature of the presiding judge, or in his absence of the judge or judges present at the reading and correction thereof, and it shall be the duty of all the said judges to attend at the reading and correction of said record. Whenever the signature of a judge of the court shall be required to any bill of exceptions,

Quorum.

Presiding Judge.

Co-ordinate power of each judge.

Proceedings, how regarded.

Jurymen.

Rules, etc.

Record of proceedings, how entered in journal.

Orders and decrees, etc.	order, decree, or other evidence of proceeding, or for the approval or verification of any act, the signature of the judge or judges before whom the proceedings were had, shall be deemed sufficient. Orders and decrees entered in the chancery record shall be verified by the signature thereto of the judge or judges making such order or decree.
Stay of proceedings, etc.	SEC. 4. No stay of proceedings shall be directed or ordered by any one of the said circuit judges in any cause or proceeding excepting when the order or decree under which the proceedings are stayed, shall have been made by such judge, unless the order staying the proceedings be entered in open court, when two of the judges are present, or with the concurrence of at least two other judges of said court, and no order, except orders made at chambers, and then only by the judge making the same, shall be set aside or vacated, except in open court.
What judges to continue in office, etc.	SEC. 5. The two additional judges now in office and created by an act to provide for two additional circuit judges for the third judicial circuit, approved June tenth, eighteen hundred and eighty-one, and the act amendatory thereof, approved March fourteenth, eighteen hundred and eighty-two, shall continue in office until their successors are elected as now provided by law. The third additional office of circuit judge created by this act shall be deemed vacant from and after the day when this act shall take effect. Publication for ten days prior to the election, of notice signed by the sheriff of Wayne county, in two or more newspapers published in the city of Detroit, of an election to fill said vacant term, shall be deemed sufficient notice of an election to fill said term; and said office shall be filled in the manner that vacancies in the office of circuit judge are now filled under the existing laws, and an election to fill vacancy by the electors of said circuit shall be held at the next general election in the spring or autumn next following the day when this act shall take effect. The office of said third additional judge shall be filled for the full term by election at the time and in the manner provided by the constitution and laws of this State for the election of circuit judges.
Vacancy.	
Notice of election to fill vacancy.	
Election.	
Full term.	
Stenographers, power of Governor to appoint	SEC. 6. The Governor of the State shall, from time to time, have power, on recommendation of the judges, and he shall appoint the same number of additional stenographers for said court as there are additional judges of said court, who shall perform like duties as the present stenographer of the court; they shall receive the same compensation to be paid in like manner as the said stenographer. Said additional stenographers shall qualify under oath. Whenever the court shall deem it necessary for the dispatch of business, it may authorize said stenographers to employ one or more temporary assistants, who shall receive compensation to be paid by the county, the said judges of said court certifying to the reasonableness thereof. In case either party to any suit or proceeding, or his counsel, shall desire a transcript of the whole or a part of the testimony or proceedings in any case for the
Duties of.	
Compensation.	
Oath.	
Assistants, compensation of, etc.	
Stenographers to furnish transcript, etc.	

purpose of moving for a new trial or removing it to the supreme court, it shall be the duty of the stenographer of the court reporting said testimony or proceedings, to furnish the same and within such time as the judge or judges who heard or tried the cause shall direct, and he shall be entitled to receive therefor, from the party so requiring it, the sum of eight cents per folio for each folio so transcribed, and the money so paid the stenographer shall be recovered as a part of the taxable costs of the party in such motion or in the supreme court: *Provided, however,* That if each party Proviso. to the cause or proceeding shall at the same time desire such transcript, said stenographer shall furnish the same on payment to him therefor of five cents per folio, to be paid by each party: *Provided, further,* That in any criminal case the court may, on the request of prosecuting attorney, or of counsel for the defense, order the stenographer to make a transcript of the testimony and proceedings in said case, said transcript, when so made, to be paid for by the county at the rate herein established for transcript in civil cases. Such transcript [transcripts] shall be deemed the official record of the court: *Provided, further,* That if the said judge or judges shall direct a copy of the testimony and other proceedings upon any trial to be made, the stenographer shall make and file the same within the time specified by the said judge or judges, without costs to either party. The said stenographer shall, upon the request of any person, upon an order from the court or judge, furnish a transcript of said notes, or such part thereof as may be desired, in legible English, at the same rate of compensation herein before provided. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness, the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause, he shall securely attach together all of his notes taken in said cause, and properly entitle them upon the outside, and within ten days from the conclusion of said trial, file the same with the clerk of said court, and when so filed the said notes shall become a part of the files in said cause and of the records of said court. The county auditors shall provide a suitable office for the use of said stenographer contiguous to the office Further proviso Office of stenographer. of the clerk of said court.

SEC. 7. Either of said judges may reserve for the decision of the full court any question of law arising before such judge, and it shall be the duty of the judges of said court to sit together on at least one day during each term and hear and decide upon such questions as may be so reserved. Questions of law reserved for decision of full court.

SEC. 8. An act entitled "An act to provide for two additional circuit judges for the third judicial circuit," approved June tenth, eighteen hundred and eighty-one, and the act amendatory thereof, approved March fourteenth, eighteen hundred and eighty-two, are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved March 9, 1887.

[No. 26.]

AN ACT to amend an act entitled "An act to revise the laws providing for the incorporation of companies for mining, smelting and manufacturing iron, copper, silver, mineral coal, and other ores and minerals, and to fix the duties and liabilities of such corporations," approved May eleventh, eighteen hundred and seventy-seven, by adding thereto a new section to stand as section forty-six of said act.

Act amended. SECTION 1. *The People of the State of Michigan enact, That* an act entitled "An act to revise the laws providing for the incorporation of companies for mining, smelting and manufacturing iron, copper, silver, mineral coal, and other ores and minerals, and to fix the duties and liabilities of such corporations," approved May eleventh, eighteen hundred and seventy-seven, be and the same is hereby amended by adding thereto a new section to stand as section forty-six of said act.

Certain corporations may file articles of association.

SEC. 46. All corporations existing under this act, which were formed by the consolidation of other mining corporations, under and by virtue of the provisions of two several acts of the Legislature now repealed, one entitled "An act to authorize the consolidation of mining corporations," approved January twenty-seventh, eighteen hundred and seventy-one, being act number nine of the laws of eighteen hundred and seventy-one, and another, entitled "An act to cause an act entitled 'An act to authorize the consolidation of mining corporations' to take immediate effect," approved March first, eighteen hundred and seventy-one, being act number twenty-four of the laws of eighteen hundred and seventy-one, while said last two named acts were in force and unrepealed, may file their articles of association, setting forth:

What to set forth.

Purpose for which formed.

Name.

Amount of capital stock, etc.

Cash paid in and expended.

First, The purpose or purposes for which the consolidated corporation was formed and now exists;

Second, The corporate name, which shall be the name which has been adopted and assumed by said consolidated corporation, and by which it has been called and known since its formation;

Third, The amount of its capital stock and the number of shares at the time of its formation under said acts of the laws of eighteen hundred and seventy-one, and (in case it shall have, since the passage of said acts of the laws of eighteen hundred and seventy-one, increased its capital stock and the number of its shares to an amount not exceeding the limit provided by law for mining companies at the time of such increase) the amount of its capital stock and the number of shares as thus increased;

Fourth, The amount of cash actually paid in on their capital stock and the amount expended for the purchase of land and for improvements thereon by the component corporations by the consolidation of which it was formed, as appearing by the certificate mentioned in section one of said act number nine of the laws of eighteen hundred and seventy-one, together with the amount of

cash actually paid, if any, on the capital stock of the consolidated corporation since its formation;

Fifth, The place where the business offices of the corporation are located within and (if there be any such) without this State, which places shall be the same places where such offices have been located since the formation of the corporation; Location of offices.

Sixth, The county or counties within this State where the business of the corporation is and has been carried on since its formation; Where business carried on.

Seventh, The number constituting the board of directors, which shall be (within the limits prescribed by this act) the same number which has formed its board since its formation by consolidation under the acts of eighteen hundred and seventy-one aforesaid; Number constituting board, etc.

Eighth, The term of its existence, which term may be, but shall not exceed thirty years from the date of the filing in the office of the Secretary of State the certificate mentioned in section one of said act number nine of the laws of eighteen hundred and seventy-one. Term of its existence.

Such articles of association shall be signed and acknowledged in duplicate by the president and secretary of the consolidated corporation in behalf of the stockholders thereof, and shall be filed and recorded in the offices mentioned in section five of this act at the expense of the corporation, and such articles so filed, the record thereof, or copies of such articles certified by the Secretary of State or the county clerk shall be *prima facie* evidence in all courts and proceedings of the organization of such corporation as of the date of filing in the office of the Secretary of State, the certificate mentioned in section one of the said act number nine of the laws of eighteen hundred and seventy-one, and as in such articles set forth; and all corporate acts and transactions done and performed by such consolidated corporations since their formation by consolidation under said acts of the laws of eighteen hundred and seventy-one, in accordance with the provisions of this act, or of the laws of this State in force preceding this act relating to mining corporations, shall be, and be held to be as valid and effectual as if such consolidated corporations had been formed in the ordinary manner under this act, or under said preceding laws; and such consolidated corporations may and shall continue to have, hold, and enjoy all the rights, privileges, and franchises conferred by the laws of this State relating to mining corporations, under the corporate name, and for and during the corporate term in such articles of association set forth. Articles, how signed, etc.

Where filed.

Copy of articles, evidence, etc.

Certain acts valid.

This act is ordered to take immediate effect.

Approved March 10, 1887.

[No. 27.]

AN ACT to incorporate the Woman's Christian Temperance Unions of this State.

May incorporate SECTION 1. *The People of the State of Michigan enact, That the Woman's Christian Temperance Unions may be incorporated in pursuance of the provisions of this act.*

Ten or more persons may execute articles of association. SEC. 2. Any ten or more persons, residents of this State, and members of any society of the "Woman's Christian Temperance Union" of the State of Michigan, desirous to become incorporated, may, on the consent of said society, make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgment of deeds, and shall set forth:

Who to set forth. *First, The names of the persons associating in the first instance, and their places of residence;*

Second, The name and location of the society of which they are members;

Third, The corporate name by which such association shall be known in the law;

Fourth, The object and purposes of such association and the period for which it is incorporated, not exceeding thirty years.

Copy of, where filed. SEC. 3. A copy of said articles of association shall be filed and recorded in the office of the Secretary of State, and a duplicate of said articles shall be filed with the county clerk of the county in which such corporation shall be found and located, and shall be recorded at length by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed

Body corporate. such articles of association, their associates and successors shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in law capable to purchase, take, receive, hold and enjoy to them and their successors, estates, real and personal; of suing and being sued; and they and their successors may have a common seal, which may be changed and

A common seal. altered at their pleasure: *Provided, That the value of their real and personal estate shall not exceed the sum of one hundred thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, devise, mortgage and dispose of said real and personal estate, or any part thereof, at their will and pleasure, and the proceeds, rents and increase shall be devoted exclusively to the charitable and benevolent purposes of the*

By-laws. *Woman's Christian Temperance Union. Said corporation shall have full power and authority to make and establish rules, regulations and by-laws for regulating and governing all the affairs and business of said corporation not contrary to the laws of this State and the United States, and to designate, elect or appoint from among their members such officers under such names and style as*

Officers.

shall be in accordance with the constitution or charter of said society, who shall have the supervision, control and management of the affairs of said corporation.

SEC. 4. A copy of the record of such articles of association, under the seal of the county clerk where the said record is kept, and duly certified to by him, shall be received as *prima facie* evidence in all the courts of this State of the existence and due incorporation of such societies. Copy of records as evidence, etc.

SEC. 5. Any corporation formed in pursuance of this act may erect and own suitable edifices, buildings or hall, as such corporation shall deem proper, and for that purpose may create a capital stock of not more than one hundred thousand dollars, and any such corporation may take, purchase, hold and own a suitable lot or parcel of ground in any lawfully established cemetery for the interment of the deceased members of said corporation. Corporation may erect and own buildings, etc.

SEC. 6. All the corporations formed under the provisions of this act shall be subject to the provisions of chapter seventy-three of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act. Subject to provisions of general law.

This act is ordered to take immediate effect.

Approved March 10, 1887.

[No. 28.]

AN ACT to provide for the appointment of a game and fish warden and to prescribe his powers and duties.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the Governor to appoint some person, a resident of this State, game and fish warden. Said warden shall hold his office for four years, or until his successor has been appointed and qualified, unless removed for cause by the Governor; he shall receive a salary of twelve hundred dollars per annum, payable monthly, and shall also be reimbursed his actual expenses necessarily incurred by him while engaged in the performance of his duties, to be paid on the warrant of the Auditor General, monthly, on the approval of his vouchers therefor. Appointment of game and fish warden.
Term of office.
Salary of.

SEC. 2. It shall be the duty of said game and fish warden to enforce the statutes of this State for the preservation of moose, wapiti, deer, birds and fish, and to enforce all other laws of this State for the protection and propagation of birds, game and fish, now in force, or hereinafter enacted, and to bring or cause to be brought actions and proceedings in the name of the people of this State to punish any parties for the violation of said statutes and laws. Such actions and proceedings may be brought in the name of The People, in the like cases, in the same courts, and under the same circumstances as they may now or at any time hereafter be brought by any individual or by the prosecuting attorneys of the several counties under and by virtue of any laws now existing or hereafter enacted. Duties of.
Actions, how brought.

Commencement of proceedings.	SEC. 3. Said warden may make complaint and cause proceedings to be commenced against any person for the violation of any of the laws for the protection or propagation of game or fish without the sanction of the prosecuting attorney of the county in which such proceedings are commenced, and in such case he shall not be obliged to furnish security for costs.
Power of warden to serve process, etc.	SEC. 4. Said game and fish warden shall have the same power to serve criminal process as sheriffs, and shall have the same right as sheriffs to require aid in executing such process. Said warden may arrest, without warrant, any person caught by him in the act of violating any of the aforesaid laws for the protection or propagation of birds, game or fish, and take such person forthwith before a justice of the peace, or other magistrate having jurisdiction, who shall proceed without delay to hear, try and determine the matter, and the same proceedings shall be had as near as may be, as in other criminal matters triable before a justice of the peace, or other magistrate having jurisdiction. Such arrests may be made on Sunday, in which case the person arrested shall be taken before a justice of the peace, or other magistrate having jurisdiction, and proceeded against as soon as may be, on a week day following the arrest.
Sunday arrests.	
Account, when and where filed.	SEC. 5. Said warden shall, in the month of December in each year, file in the office of the Auditor General, an account in writing, stating the days and parts of days spent in the discharge of his duty, the kind of service rendered and the places where rendered, and the expenses paid or incurred in the time of the discharge of such duties, which account shall be verified by the oath of said warden stating that the same is correct and true in every particular.
Verified.	
Monthly report, when and where filed.	SEC. 6. Said warden shall, at the close of each calendar month, file with the Secretary of State a report in writing, and in detail, stating the service performed by him during the last preceding month, including an account of the suits commenced at his instance, as herein provided for, the disposition made of the same, the result of any brought to trial, and the condition of any undisposed of, and any other particulars he may think proper, and no payment for services performed or expenses paid by said warden shall be made until he shall present to the Auditor General, in addition to the usual oath of performance and payment, a certificate from the said secretary that he has made the report required by this act. The Secretary of State shall cause the monthly reports of said warden, or so much thereof as may be of interest to the public, to be transmitted annually to the Legislature when in session.
Reports to be transmitted to Legislature.	
Deputy warden, powers of.	SEC. 7. The said game and fish warden shall have power to appoint a deputy or deputies, not exceeding three, in each county, who shall be residents thereof; said deputies shall have the same powers in their respective counties as herein provided for the warden himself, subject to the supervision and control of the warden.
Compensation.	Said deputy warden or wardens shall receive such compensation as the board of supervisors of the counties in which such

deputy warden or wardens reside may allow and provide for, except in the county of Wayne, where such compensation shall be Exception. fixed by the board of county auditors.

This act is ordered to take immediate effect.

Approved March 15, 1887.

[No. 29.]

AN ACT to provide for the payment of bounties for the killing of English sparrows.

SECTION 1. *The People of the State of Michigan enact*, That Who entitled to bounties. every person, being an inhabitant of this State, who shall kill an English sparrow, in any organized township, village or city in this State, shall be entitled to receive a bounty of one cent for each sparrow thus killed, to be allowed and paid in the manner hereinafter provided.

SEC. 2. Every person applying for such bounty, shall take such Application for, how and to whom made. sparrow, or the head thereof, in lots of not less than twenty-five, to the clerk of the township, village or city, within which such sparrow shall have been killed, who shall thereupon decide upon such application, and if satisfied of the correctness of such claim, shall issue a certificate stating the amount of bounty to which such Certificate of amount. applicant is entitled, and deliver the same to said applicant, and shall destroy the heads of such sparrows.

SEC. 3. Such certificate may be presented by the claimant or his Bounties, how paid. agent to the county treasurer of the county in which such sparrow or sparrows may have been killed, who shall pay the same out of the contingent fund of said county.

This act is ordered to take immediate effect.

Approved March 15, 1887.

[No. 30.]

AN ACT to amend section seventy-six, of chapter fourteen, of the revised statutes of eighteen hundred and forty-six, being section five hundred and eighty-six, Howell's Annotated Statutes, relating to the powers and duties of sheriffs.

SECTION 1. *The People of the State of Michigan enact*, That Section amended. section seventy-six, of chapter fourteen, of the revised statutes of eighteen hundred and forty-six, being section five hundred and eighty-six of Howell's Annotated Statutes, be and the same is hereby amended to read as follows:

(§586.) SEC. 76. The sheriff, in person or by his under sheriff or deputies, shall serve or execute, according to law, all process writs, precepts and orders issued or made by lawful authority and to him directed, and in any action where an under or deputy sheriff is a party, any process may be served on such under or deputy Sheriff to execute process writs, etc.

sheriff by the sheriff in person, or by any under or deputy sheriff who is not a party of such action.

Approved March 16, 1887.

[No. 31.]

AN ACT to prohibit the maintenance of saloons or other places of entertainment in which intoxicating liquors are sold, and to prohibit the sale or giving away of intoxicating liquors within one mile of the Soldiers' Home.

Sale of liquor,
etc., unlawful
within certain
limits.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful to establish or maintain a saloon or other place of entertainment in which intoxicating liquors are sold, or kept for sale, nor to give away, or dispose of any such liquors, within one mile of the home for disabled soldiers, sailors and marines established by this State.

Unlawful to fur-
nish liquor, etc.

SEC. 2. It shall not be lawful for any person, directly or indirectly, by himself, his clerk, agent, or servant, at any time, to sell, furnish, give or deliver, any spirituous, malt, brewed, fermented or vinous liquors, or any mixed liquors, a part of which is spirituous, malt, brewed, fermented or vinous, to a soldier, sailor or marine, who is an inmate or an employé of the Soldiers' Home, within one mile of said Soldiers' Home, unless prescribed and furnished by the authorities of said Soldiers' Home.

Misdemeanor.

Punishment.

SEC. 3. If any person shall by himself, clerk, agent or servant, violate any of the provisions of the foregoing section, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars and the cost of prosecution, and imprisoned in the county jail not less than ten days, nor more than sixty days, in the discretion of the court, and in such case, if such fine and cost shall not be paid at the time such imprisonment expires, the person serving such sentence shall be further detained in jail until such fine and costs are fully paid: *Provided*, That in no case the whole term of imprisonment shall exceed ninety days.

Proviso.

Each violation
to constitute an
offense.

SEC. 4. Each violation of any of the provisions of this act shall be construed to constitute a separate and complete offense, and for each violation on the same day or on different days, the person or persons so violating shall be liable to the forfeiture and penalties herein provided.

This act is ordered to take effect May first, eighteen hundred and eighty-seven.

Approved March 17, 1887.

[No. 32.]

AN ACT to provide for the ceding to the United States of exclusive jurisdiction over the site and grounds in the city of Detroit, Michigan, described as follows, to-wit: All that block of land lying between Shelby street on the east, and Wayne street on the west, Fort street on the south, and Lafayette avenue on the north, to be used for the erection of a public building for the uses of the United States court, postoffice, custom house, internal revenue office, and other public offices of the United States in the city of Detroit, Michigan, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the State of Michigan and the service of civil process therein.

SECTION 1. *The People of the State of Michigan enact*, That the State of Michigan hereby cedes to the United States exclusive jurisdiction over the site and grounds in the city of Detroit, Michigan, described as follows, to-wit: All that block of land lying between Shelby street on the east, and Wayne street on the west, Fort street on the south, and Lafayette avenue on the north, for the erection of a public building or buildings for the uses of the United States court, postoffice, custom house, internal revenue office and other public offices of the United States, in the city of Detroit, Michigan, during the time the United States shall be and remain the owner thereof, for all purposes except the administration of the criminal laws of the State of Michigan and the service of civil process therein.

Territory ceded
to U. S.

Purposes of.

Exception.

This act is ordered to take immediate effect.

Approved March 17, 1887.

[No. 33.]

AN ACT to authorize the board of supervisors of any county in this State to purchase lots in any cemetery or burial place for deceased soldiers, sailors and marines.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the board of supervisors of any county in this State to purchase one or more lots in any cemetery or burial place, for deceased soldiers, sailors and marines, who have served in the army of the United States in the late war of the rebellion.

Lawful for
board of super-
visors to pur-
chase lots, etc.

SEC. 2. The title to such lots in any such cemeteries shall be vested in such county or in such incorporated post of the Grand Army of the Republic, as the board of supervisors may designate, such title to be held by such post of the Grand Army of the Republic, and the title to such lots in any such cemeteries shall revert to the county when such post of the Grand Army of the Republic shall cease to be a legal corporation.

Title, in whom
vested.

This act is ordered to take immediate effect.

Approved March 17, 1887.

[No. 34.]

AN ACT to amend section ten of chapter two hundred and forty-nine of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine thousand two hundred and eighty-six of Howell's Annotated Statutes, relative to offenses against chastity, morality and decency.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section ten of chapter two hundred and forty-nine of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine thousand two hundred and eighty-six of Howell's Annotated Statutes of Michigan, relative to offenses against chastity, morality and decency, be amended so as to read as follows:

Keeping house
of ill fame, etc.,
a felony.

SEC. 10. Every person who shall keep a house of ill-fame, resorted to for the purpose of prostitution or lewdness, and every person who shall solicit, or in any manner induce a female to enter such house for the purpose of becoming a prostitute, or shall by force, fraud, deceit, or in any like manner procure a female to enter such house for the purpose of prostitution, or of becoming a prostitute, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State prison not more than five years, or in the county jail not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Punishment for.

This act is ordered to take immediate effect.

Approved March 18, 1887.

[No. 35.]

AN ACT to provide for the conveyance of railroad franchises and property in certain cases.

Purchasers
under foreclos-
ure authorized
to sell, etc.

SECTION 1. *The People of the State of Michigan enact*, That upon the foreclosure of any mortgage of the property and franchise of any railroad corporation, if the railway or railroad tracks and its appurtenances are or have been sold at the sale thereunder, the purchaser or purchasers are hereby authorized to sell and convey the property so purchased, together with all the rights and franchises acquired under said sale to any other railroad company or corporation authorized by the laws of this State, not having the same terminal points and not being a competing line, and upon such sale and the confirmation thereof as herein provided, the company receiving such conveyance shall have the same rights, powers and privileges and franchises as are or may be secured to the original company whose property may have been sold under such decree: *Provided*, That to entitle such companies to the privileges of this act the purchase shall be within six months of the date of deed given

Provided.

under said foreclosure sale, and on or before the first day of July, in the year of our Lord eighteen hundred and eighty seven.

SEC. 2. Before the sale by the purchaser or purchasers, provided for in section one of this act, shall have any force or effect, it shall be approved by the stockholders owning two-thirds of the stock of said purchasing company, and before filing evidence of such sale in the office of Secretary of State, the same shall be submitted to a board consisting of the Attorney General, Commissioner of Railroads, and Secretary of State, to be examined by such board to ascertain whether the proposed sale and transfer will be in accordance with the constitution and laws of this State, and if found in accordance therewith, said board shall approve the same. Upon such approval by said board, a duplicate of said sale and transfer and approval of said shareholders shall be filed in the office of the Secretary of State; the purchasing company shall thereby become possessed of all the rights, title and franchises of every name and nature secured by section one of this act.

Sale to be approved by whom.

Proceedings before filing evidence of sale.

Duplicate to be filed.

This act is ordered to take immediate effect.

Approved March 18, 1887.

[No. 36.]

AN ACT to amend section four (4) of chapter ninety-eight (98) of the compiled laws of eighteen hundred and seventy-one, being compiler's section two thousand nine hundred and thirty-nine, as amended by act ninety-two of the session laws of eighteen hundred and eighty-three, relating to life insurance companies transacting business in this State.

SECTION 1. *The People of the State of Michigan enact, That* section four (4) of act number seventy-seven (77) of the session laws of one thousand eight hundred and sixty-nine, entitled "An act in relation to life insurance companies transacting business within this State," approved March thirtieth, eighteen hundred and sixty-nine, being compiler's section two thousand nine hundred and thirty-nine of the compiled laws of one thousand eight hundred and seventy-one, as amended by act ninety-two of the session laws of one thousand eight hundred and eighty-three, be and the same is amended to read as follows:

Section amended.

SEC. 4. The capital of any stock company organized under this act shall not be less than one hundred thousand dollars in shares of fifty dollars each, which capital stock may be increased by a vote of two-thirds of the stockholders present, or represented at any regular meeting called for the purpose, to not more than five hundred thousand dollars; and no such stock company, and no company organized to do business on the mutual plan, shall be authorized to issue policies or assume any risk whatever until they shall have deposited with the State Treasurer as security for any liability to insured parties, stock or bonds of the United States, or of this State, or of any city or county in this State, authorized by

Capital stock \$100,000.

Shares \$50 each.

How capital may be increased.

Deposit with State treasurer \$100,000.

Proviso. act of Legislature to issue the same, to the amount in par value, exclusive of interest, of not less than one hundred thousand dollars, which stock or bonds shall be retained by the State Treasurer and disposed of as hereinafter directed: *Provided, however,* That personal obligations secured by first mortgage on improved and productive real estate within this State, worth, exclusive of all buildings, at least double the amount of the lien, and bearing interest at not less than five per centum per annum may be received by the State Treasurer instead of the bonds or stocks hereinbefore provided for in this section. Such mortgages shall be properly assigned to the State Treasurer, as provided for in section twenty-one of this act; but any examination by the State Treasurer, or under his direction, to satisfy him respecting the title or value of the property mortgaged, shall be at the expense of such company; and no mutual insurance company shall commence business by issuing policies until they shall have received at least five hundred applications for insurance, on which the premium shall amount to at least five thousand dollars, nor until the examination by the Attorney General and commissioners as hereinafter provided:

Further proviso. *And provided, further,* That the entire issue of all bonds, including those outstanding, by said city or county, shall not exceed five per cent of the assessed valuation of all the real estate of said city or county, said valuation to be on the basis of the last preceding equalization of the State board for counties, and the proportionate amount thereof when taken for cities; and in case any of said securities shall depreciate below par, the State Treasurer is hereby authorized and directed to cause the corporation which has deposited them, to make such depreciation good by additional deposit of such securities as are allowed by law, and to prohibit any corporation from transacting any insurance business within this State until the same shall have been so deposited.

Ordered to take immediate effect.

Approved March 19, 1887.

[No. 37.]

AN ACT to amend section one of act number sixteen, session laws of eighteen hundred and eighty-two, being continuous section four thousand nine hundred and four *a*, of Howell's Annotated Statutes, relative to renewing the incorporation of companies organized for mining and manufacturing purposes.

How incorporation may be renewed.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any corporation organized under the laws of this State for mining or manufacturing purposes, whose corporate existence is about to terminate by limitation of law, at its annual meeting next preceding, or at a special meeting called for that purpose, to be held within one year immediately preceding the date of such termination, or at any time before the dissolution of such corporation shall become complete, by a vote of two-thirds of its capi-

tal stock, to direct the continuance of its corporate existence for such further term, not exceeding thirty years, as may be expressed in a resolution for that purpose. Upon the adoption of such resolution by the stockholders, it shall be the duty of the president and secretary to make, sign, and acknowledge duplicate articles of association (as in the case of a new corporation), to which shall be appended a copy of the proceedings of such stockholders' meeting, certified by the secretary and verified by his oath, which articles of association shall be filed with the Secretary of State, and with the county clerk of the county where the corporation carries on its business, and be by them recorded in their respective offices at the expense of said corporation, and the copies so filed, the record thereof, or a certified copy of either of such records shall be *prima facie* evidence of the facts therein recited.

Making and filing duplicate articles.

This act is ordered to take immediate effect.

Approved March 19, 1887.

[No. 38.]

AN ACT to amend section sixteen of chapter four of act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, approved May twenty-first, eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act."

SECTION 1. *The People of the State of Michigan enact, That* section sixteen of chapter four of act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, approved May twenty-first, eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 16. The full amount of all taxes to be levied upon the taxable property in a fractional school district shall be certified by the district board to the township clerk of each township in which such district is in part situated, and by such township clerks to the supervisors of their respective townships, and it shall be the duty of each of said supervisors to certify to each other supervisor interested the amount of taxable property in that part of the district lying in his township: *Provided*, That when there exists a manifest difference in the valuation of property assessed in fractional districts, composed of territory in adjoining townships or counties, such valuation shall be equalized for this specific purpose by the supervisors of the townships interested at a joint meeting held for that purpose, on application of either of the supervisors of said townships. And such supervisors shall respectively ascertain the

Taxes in fractional districts.

Provided.

In case of disagreement of supervisors.

proportion of such taxes to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district. And if said supervisors cannot agree as to the proportion of such taxes to be placed on their respective assessment rolls, a supervisor from an adjoining township shall be called to meet with said supervisors in said fractional district and assist in equalizing said valuation. Said supervisor to be paid by the townships interested equally at the rate of three dollars per diem for the time necessarily employed in attendance at such meeting of the supervisors, and all necessary traveling expenses.

Approved March 19, 1887.

[No. 39.]

AN ACT to amend section seventeen of act number thirty-four of the public acts of eighteen hundred and eighty-five, entitled "An act to establish a recorder's court for the city of Kalamazoo, and to define the jurisdiction of the same."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section seventeen of act number thirty-four of the public acts of eighteen hundred and eighty-five, entitled "An act to establish a recorder's court for the city of Kalamazoo, and to define the jurisdiction of the same," approved April second, eighteen hundred and eighty-five, be amended so as to read as follows:

Drawing of jury.

SEC. 17. Upon a jury being demanded by either party, the recorder or his clerk shall, in the presence of both parties, draw from said box eighteen names, in the same manner that the county clerk is required to draw the names of jurors from the box upon the trial of causes in the circuit court, and from the eighteen names so drawn each party shall be entitled to reject six; should either party refuse to reject six names from the list so drawn, the recorder or his clerk shall make such rejection. A *venire* in the same form as a *venire* issued by a justice of the peace shall be issued by said recorder to some officer qualified to serve process from said court, commanding such officer to summon the six remaining persons to appear before said recorder to form a jury for the trial of said case. The persons so summoned and appearing shall be subject to challenge for cause in the same manner as a jury summoned before a justice of the peace. In case any of said original six shall not appear, or shall be excused for good cause from serving by the recorder, or for any reason shall not sit upon said case, said recorder shall issue an order to the officer to summon talesmen to complete the said panel. To the talesmen so summoned each party shall be entitled to make the same challenges for cause as in justice courts, and one peremptory challenge, and sufficient talesmen shall be summoned to complete the panel of six. The jury shall then be sworn and the trial proceed in the same manner as jury trials before a justice of the peace.

Venire.

Talesmen.

Challenge.

This act is ordered to take immediate effect.

Approved March 21, 1887.

[No. 40.]

AN ACT to amend section twenty-five, of act number one hundred and forty-seven, of the public acts of eighteen hundred and seventy-seven, entitled "An act to revise and amend sections eleven, thirteen, nineteen and twenty-one of an act entitled 'An act to provide for a municipal court in the city of Grand Rapids, to be called the superior court of Grand Rapids,' " being act number forty-nine of the session laws of eighteen hundred and seventy-five, approved March twenty-fourth, eighteen hundred and seventy-five, and to add six new sections to the act, to stand as sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine.

SECTION 1. *The People of the State of Michigan enact, That* Section amended. section twenty-five of act number one hundred and forty-seven, of the public acts of eighteen hundred and seventy-seven, entitled "An act to revise and amend sections eleven, thirteen, nineteen and twenty-one of an act entitled 'An act to provide for a municipal court in the city of Grand Rapids, to be called the superior court of Grand Rapids,' " being act number forty-nine of the session laws of eighteen hundred and seventy-five, approved March twenty-fourth, eighteen hundred and seventy-five, and to add six new sections to the act to stand as sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine, so as to read as follows, viz.:

(§6587.) SEC. 25. In case of the death, removal or suspension Death or removal. of the stenographer, the Governor shall appoint a successor to the office, but in case of sickness or temporary absence of the stenographer and his deputy, the judge may appoint some competent Deputy. person to act in his absence. Said stenographer shall have the power to appoint one or more assistants subject to the approval of the court, whose duties shall be subject to and whose compensation shall be paid by the stenographer: *Provided, The ste-* Proviso. nographer may revoke said appointment at any time.

This act is ordered to take immediate effect.

Approved March 21, 1887.

[No. 41.]

AN ACT to provide for the publication of the proceedings of the Michigan Dairymans' Association.

SECTION 1. *The People of the State of Michigan enact, That* Secretary of association to report to Secretary of State it shall be the duty of the secretary of the Michigan dairymans' association to make and transmit to the Secretary of State a report of the annual meeting and transactions of said association, including copies of papers read at such meetings, and of

Duties of
Secretary of
State.

facts collected relating to the objects of the association, immediately after said meeting, and the Secretary of State shall cause to be printed three thousand copies of said report printed in similar form as the reports of the State agricultural society, and forwarded to the secretary of said Michigan dairymans' association for distribution.

This act is ordered to take immediate effect.

Approved March 21, 1887.

[No. 42.]

AN ACT to provide for the incorporation of Arbeiter Bunds.

Not less than 15
societies may
form a bund.

SECTION 1. *The People of the State of Michigan enact*, That any number, not less than fifteen, of Workingmens' Aid Societies, otherwise called Arbeiter Unterstuetzungs Vereine, which have been duly incorporated under the laws of Michigan, may unite or form a union or bund, and become incorporated under the provisions of this act.

Who to execute
articles of asso-
ciation.

SEC. 2. Any such societies, not less than fifteen, desiring to form an incorporated union or bund, under this act, shall delegate one of their members by appropriate resolution, to be entered in the records of such societies, to act in executing articles of association under this act.

Articles of asso-
ciation what to
contain.

SEC. 3. Such delegates may, in behalf of their respective societies, make and execute under their hands and seals, articles of association, which articles of association shall be acknowledged before some officer of the State having authority to take acknowledgments of deeds, and shall set forth:

Names of
societies, etc.

First, The names of the societies associating in the first instance, and their respective locations, and the names of the delegates acting on behalf of such societies;

Corporate name

Second, The corporate name by which such associations shall be known in the law;

Object.

Third, The object and purpose of such association, which shall be the general welfare of the members of the societies forming such association, and the extending to them and their families, in case of death, such material aid as may be fixed from time to time by the constitution and by-laws of the association;

Period.

Fourth, The period for which such bund is incorporated, not exceeding thirty years;

Place of holding
convention.

Fifth, The time and place where the first convention of such bund shall be held.

When articles
filed to be body
corporate.

SEC. 4. Such articles of association shall be filed with the Secretary of State, and thereupon such association shall be a body politic and corporate by the name expressed in such articles of association, capable of taking, holding, and disposing of real and personal property, of suing and being sued, and of having a common seal which may be altered or changed at their pleasure:

Provide.

Provided, That the value of such real estate shall not exceed ten

thousand dollars. Such corporation shall have full power to adopt a constitution and to make and establish rules, regulations and by-laws for regulating and governing all the affairs and business of said corporation, and for the admission and expulsion of members, and to designate, elect, or appoint from among the members of the societies forming and belonging to such corporation, such officers, and under such name and style and with such duties as the constitution and by-laws of such corporation may from time to time prescribe. The constitution and by-laws of such corporation may be amended from time to time in such manner as may be provided by such corporation.

Power of corporation.

SEC. 5. The affairs of such corporation shall be controlled by a convention of delegates, which shall meet at least once in every two years in some suitable place in this State. Such delegates shall be appointed or elected by the respective societies forming such corporation, and the number of delegates which each society is entitled to send to such convention shall be determined by the constitution and by-laws of such association. The place of holding the first convention shall be designated by the delegates signing the articles of association under this act, and each convention held thereafter, before final adjournment, shall name the place of holding the next convention. The time of holding the same shall be specified by the constitution and by-laws of such association.

Corporation, how controlled.

Conventions, where to be held.

SEC. 6. A copy of the records of such articles of association, under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State, of the existence and due incorporation of such union or bund.

Evidence of existence, etc.

This act is ordered to take immediate effect.

Approved March 21, 1887.

[No. 43.]

AN ACT to amend sections twenty-seven, twenty-nine and thirty of act number one hundred and ninety of the session laws of eighteen hundred and eighty-three, approved June eighth, eighteen hundred and eighty-three, entitled "An act to provide for the location, erection, organization and management of an asylum for insane criminals."

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-seven, twenty-nine and thirty, of act number one hundred and ninety of the session laws of eighteen hundred and eighty-three, entitled "An act to provide for the location, erection, organization and management of an asylum for insane criminals," approved June eight, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

Sections amended.

SEC. 27. Whenever the physician to the State prison, or the physicians to either of the houses of correction of this State shall certify to any warden or other officer in charge, that any convict

Warden, on certificate of physician, etc., to transfer prisoners.

therein is insane, it shall be the duty of the said warden, or other officer in charge, to make immediately a full examination into the condition of such convict, and if fully satisfied that he is insane, the said warden or other officer in charge where said convict is confined, shall forthwith cause such convict to be transferred to the Michigan Asylum for Insane Criminals, after such institution shall be opened for the reception of patients, and to deliver him to the medical superintendent thereof, who is hereby required to receive him into said asylum: *Provided*, There is room in said asylum, unoccupied, wherein said person may be accommodated, and retain him there until legally discharged. The expenses of such insane convict's maintenance in the Michigan Asylum for Insane Criminals shall be charged to the State of Michigan, likewise the expense attending his transfer. Whenever a patient is received in any of the asylums for the insane of the State, who has previously served one term in prison, he may, at the discretion of the medical superintendent and board of managers of such asylum, be retained or transferred to the Michigan Asylum for Insane Criminals, if there be room therein for his accommodation. Whenever a patient is received who has served two or more terms in prison, or but one term for murder, attempt at murder, manslaughter, rape, or attempt at rape, arson, or burglary, it shall be the duty of the medical superintendent to transfer such patient forthwith to the Michigan Asylum for Insane Criminals, if there be room therein for his accommodation, and the expense of such transfer shall be charged to the State of Michigan. Whenever a patient is received in any of the asylums of the State, who has been previously treated in the Michigan Asylum for Insane Criminals, the medical superintendent may, in his discretion, transfer such patient to the Michigan Asylum for Insane Criminals, and the expense of such transfer shall be chargeable to the State of Michigan.

Medical superintendent, duty of.
Proviso.

Expense charged to State

Certain patients in asylums to be transferred.

Expense chargeable to State.

Criminals remaining insane after expiration of sentence.

When restored to reason to be transferred to prison.

When convict may be delivered to friends.

Bills for maintenance, etc., how rendered and paid.

SEC. 29. In case the insanity of any criminal shall continue after the expiration of his or her sentence, he or she shall be retained in said asylum until adjudged by the medical superintendent and board of managers of the institution, a fit subject to be discharged. Whenever any convict who shall have been confined in said asylum as a lunatic shall have become restored to reason, and the medical superintendent of said asylum shall so certify in writing, he shall be forthwith transferred to the house of correction, prison or reformatory from whence he came, and the agent, or warden of said prison or reformatory shall receive the said convict into said prison, house of correction or reformatory. Any convict whose sentence has expired, and who is still insane, may be delivered to his relatives or friends, who will undertake, with good sureties, to be approved by the board of managers, for his peaceful behavior, safe custody, and comfortable maintenance without further public charge.

SEC. 30. The bills for the maintenance, clothing, and other charges of all State patients, shall be rendered quarterly to the Auditor General in the same manner as bills are rendered to

county treasurers for the support of patients at county charge, and shall be paid by the State Treasurer to the treasurer of the asylum, on the warrant of the Auditor General out of any moneys belonging to the general fund. In case of escape of any patient, ^{Escapes.} the expense of recapture shall be chargeable to the State of Michigan.

Approved March 21, 1887.

[No. 44.]

AN ACT to define the qualifications of deputy sheriffs and under sheriffs to be hereafter appointed in this State.

SECTION 1. *The People of the State of Michigan enact, That* ^{Deputy to be a resident of this State.} hereafter no sheriff in this State shall appoint any under sheriff or deputy sheriff, except the person to be so appointed shall be a *bona fide* resident of this State.

SEC. 2. Any sheriff now holding office in this State, or any ^{Penalty for violating the provisions of this act.} person who may hereafter be elected to such office of sheriff and qualify and perform the duties of such office, who shall knowingly violate the provisions of section one of this act shall be deemed guilty of a misdemeanor and be punishable therefor by imprisonment in the county jail for a period of not less than three months, nor more than one year, or by a fine not less than one hundred dollars, nor more than five hundred dollars, in the discretion of the court.

Approved March 24, 1887.

[No. 45.]

AN ACT to facilitate the disposal and settlement of taxes on vacant or part-paid swamp, school, and other State lands.

SECTION 1. *The People of the State of Michigan enact, That* ^{Township board may determine sum necessary to extinguish taxes levied previous to 1881.} it shall be lawful for the township board of any township of this State to make a compromise settlement and determine thereby the sum which the Commissioner of the State Land Office may receive in the extinguishment of the ditch or drain or other taxes charged against any description of vacant, or part-paid swamp, school, or other State lands, lying in their respective townships previous to the year one thousand eight hundred and eighty-one, which sum when so determined by the township board and certified to the Commissioner of the State Land Office, as to any specific description of such lands may be paid in lieu of all such ditch, drain or other taxes, interest, and charges on the books of said office against such description: *Provided, That* ^{Said sum may be paid in lieu of all taxes. Provision.} it shall be the duty of the several township boards before making such [said] adjustment and settlement to examine each description of land affected thereby; also, to ascertain the amount of taxes and charges against said lands.

This act is ordered to take immediate effect.

Approved March 24, 1887.

[No. 46.]

AN ACT to establish and organize a municipal court in the city of East Saginaw to be known and called "The police court of East Saginaw," and to repeal all of the provisions of the charter of the city of East Saginaw heretofore enacted to establish and organize a police court in the city of East Saginaw, and all acts and parts of acts in anywise contravening the provisions of this act.

Police court established.	SECTION 1. <i>The People of the State of Michigan enact, That</i>
How designated.	there shall be established and organized a municipal court in and for the city of East Saginaw, to be known as and called "The police court of East Saginaw," and there shall be elected a judge
First election of police judge.	and clerk of said court as hereinafter provided. At the annual charter election of said city to be held in eighteen hundred and eighty-seven, and at every second annual charter election thereafter, a police judge shall be elected in and for said city, by the electors thereof, in the manner provided by law for the election of mayor of said city, and the person so elected shall enter upon
Term of judge.	the discharge of the duties of his office on the first Monday in May next after his election, and hold his office for the term of two years from and after the first Monday in May next after his election, and until his successor shall be elected and qualified.
Clerk of court.	He shall annually nominate a suitable person as clerk of said police court, to be elected by the common council of said city, who shall be a resident in and a qualified elector of said city.
Oath of office of judge.	Before entering upon the duties of his office, said judge shall take, subscribe and file in duplicate with the clerk of said city, and with the clerk of the county of Saginaw, respectively, the constitutional oath of office. He shall be a resident in and qualified
Qualification.	elector of said city. Notice of the election of a person to fill the office of said police judge, shall be given six days prior to the holding of said annual charter election in said city for the year
Notice of election of.	eighteen hundred and eighty-seven, by publishing and posting the same in the manner prescribed in section three of title two [II], of the revised charter of said city.
Clerk to take and file oath, and give bond.	SEC. 2. Before entering upon the duties of his office, the clerk of police court shall take, subscribe and file with the clerk of said city, the constitutional oath of office, and give a bond to the city of East Saginaw, and a bond to the treasurer of the county of Saginaw, each in the sum of two thousand dollars, with two
Filing of bond.	sufficient sureties, to be approved by the common council of said city, and by the treasurer of said county, respectively, conditioned for the faithful discharge of the duties of his office, and to account for and to pay over to the proper treasurers, in the manner and at the times hereinafter provided, all moneys which shall come into his hands by virtue of his said office. The bond to the city shall be filed with the city clerk, and the bond to the treasurer of said county shall be filed with said treasurer; and if for any

cause a vacancy shall occur in the office of judge of said police court, the common council of said city may order a special election to be held for the election of a judge of said court, for the remainder of the term of said judge, which said election, if ordered, shall be conducted in the same manner as the annual city election, and the same notice thereof given, as is required by law to be given for the annual city election.

Vacancy in
office of judge,
how filled.

SEC. 3. It shall be the duty of the prosecuting attorney of the county of Saginaw, or his authorized deputy or assistant, to attend all sessions of said police court, when requested by the judge so to do, and prosecute all State criminal cases therein; except when actually engaged as such officer in the trial of a case in the circuit court, and it shall be the duty of the city attorney, or any assistant, authorized by the common council, to attend all sessions of said court to prosecute all violations of the charter, by-laws, or ordinances therein.

Duty of prosecuting attorney.

Or city attorney.

SEC. 4. The police judge shall hold a police court in said city, at a suitable place to be provided by the common council thereof, to be styled the police court, and which shall not be a court of record. Said police judge shall have power and authority to take complaints, issue all process necessary in said court, to be signed by said judge, and the court shall have the same power to punish contempts and preserve order, to compel the attendance of witnesses, parties and jurors, and to determine as to the qualifications of jurors, as a circuit court and the judge thereof, and such further powers incident to a circuit court and the judge thereof as may be convenient in the exercise of the jurisdiction and powers herein conferred upon him as such court; he shall also have all the powers and authority of a justice of the peace except in the trial of civil cases. In every trial in said court by a jury, the city or people, as the case may be, shall be entitled to but two peremptory challenges, and the accused to but two peremptory challenges.

Place for holding court.

Power and authority of judge.

Peremptory challenges.

SEC. 5. Said police court shall have exclusive original jurisdiction to issue process for, hear, try, and determine all cases against persons charged with violations of the provisions of the charter of said city, or of any acts of the Legislature relative to the government thereof, and of the by-laws and ordinances of the common council thereof, already enacted, or that may hereafter be enacted, anything in any other law of this State or the charter of said city or any ordinance of said city contained to the contrary thereof notwithstanding, and all of the provisions of law relative to complaints against offenders for violations of the provisions of the charter of said city or any by-law or ordinance of the common council of said city, or of the acts aforesaid and relative to process, proceedings and judgments therein, and relative to executions upon such judgments and proceedings thereon shall apply to said police court, and the judge thereof shall have all the power and authority heretofore conferred by the charter, by-laws and ordinances of said city upon the police justice thereof. Said police court shall have exclusive original

Exclusive original jurisdiction of police court.

Idem.	jurisdiction to issue process for, hear, try, and determine all cases of misdemeanor and of a quasi-criminal nature, committed within the corporate limits of said city, heretofore or hereafter within the jurisdiction of justice courts, anything in any other law of this State contained to the contrary thereof, in any wise notwithstanding. Said police court shall also have exclusive original jurisdiction to issue process for, hear and examine, and to hold to bail, or to discharge all persons charged therein with the commission of felonies within the corporate limits of said city. Said police court shall have authority to sentence any person convicted therein of the commission of a misdemeanor and triable in justice courts of this State, the same as justices of the peace may by law do, and in all other cases of misdemeanor as is or may be provided by law for such offenses. It shall not be necessary to file a record of any conviction had in said court, but the dockets and files shall be <i>prima facie</i> evidence of all proceedings had in said court. And in all cases of the violation of the provisions of the charter, by-laws or ordinances of said city, each member of the police force of said city may make arrest without process when committed within his presence, in which case complaint and arraignment shall be made without delay, so that no injustice shall be done.
Docket to be evidence.	
Arrests and complaints by police.	
Practice of police court.	SEC. 6. the practice of said court shall be the same as the practice in courts of justices of the peace in criminal cases, and the laws of this State relative to such practice, and the procedure before justices of the peace in criminal cases, shall, except where herein otherwise provided, extend to the police court so far as is consistent with the practice of said court. All process issued out of said court shall be signed by the judge thereof, and directed to the chief of police or any member of the police force of said city.
Process.	The chief of police, or any member of the police force of said city, shall, under this act, possess all the powers and authority heretofore given them by the charter of said city, or any other law of this State or ordinance or by law of said city, and shall have exclusive power, and it shall be their duty, to serve and execute all process issued out of the said court: <i>Provided, however,</i> Said police judge may direct the service of warrants by the sheriff of said county by an order of said police judge endorsed upon any such process.
Power and authority of police	It shall be the duty of the sheriff to keep a record of all process placed in his hands to be served and executed, which record shall show the date of the process, name of the accused, a summary of the proceedings had therein, and the amount of fees and charges of the officers who shall execute the same.
Proviso.	SEC. 7. The police judge and clerk shall receive no fees or perquisites for their services performed under this act, but in lieu thereof the police judge shall receive an annual salary of twelve hundred dollars, which shall be paid by the city of East Saginaw monthly. The clerk of said police court shall receive an annual salary to be paid by the said city in the manner herein provided for the payment of the salary of the police judge, of six hundred dollars. Neither the chief of police nor any member of the police
Sheriff to keep record of process, etc.	
Compensation of judge.	
Salary of clerk.	

force of said city shall receive for his own use any fees for services performed under this act.

Police to receive no fees.

SEC. 8. It shall be the duty of the common council of said city to provide a suitable office for the clerk of said court adjacent to the court room thereof, and such necessary furniture, fuel, records, blanks, stationery and other articles that may be required for the court, clerk and other officers of said court.

Council to provide office for clerk of court.

SEC. 9. The police court shall always be open for business, but may adjourn its sittings from day to day and from time to time as may be convenient and not inconsistent with the dispatch of business therein. Cases and examinations pending in said court may be adjourned from time to time, not exceeding three months from the arraignment of the accused therein, unless the court shall be satisfied by proper evidence that the attainment of justice requires a further continuance, and then only for such further time as the exigency of the case for the attainment of the object aforesaid shall require. One member at least of the police force of said city shall attend each session of said court as the officer thereof. In case of the removal from the city of said judge of said police court, his death, resignation or removal from office, his office shall be vacant, and such vacancy filled in the manner hereinbefore provided. The same causes shall be deemed to constitute a vacancy in the office of the clerk of said police court, and such vacancy shall be filled in the manner hereinbefore provided for the appointment of such clerk.

Court, when open for business, adjournments, etc.

One member of police force to attend each session.

When vacancy deemed to exist and how filled.

SEC. 10. It shall be the duty of the judge of said court to instruct the jury as to the laws applicable to the case, which instruction shall be received by the jury as the law of the case. The defendant shall have the right of appeal, provided such appeal shall be taken and perfected within twenty-four hours from the time of the court pronouncing its judgment or sentence, and *certiorari* from final judgment of said court, as provided by law for appeals and *certiorari* from final judgment of justices of the peace in criminal cases, such appeals being taken and perfected as hereinbefore in this section provided. Appeals and writs of *certiorari* both in city and State cases, shall be taken, perfected and returned in the manner provided by law for like acts before justices of the peace in criminal cases, except as herein otherwise provided.

Judge to instruct jury as to laws applicable to case, etc.
Right of appeal. Proviso.

Appeals and writs of *certiorari*, how taken, etc.

SEC. 11. At the first annual meeting of the common council of said city in each year, or within thirty days thereafter, said council shall select, upon the nomination of the mayor, from among the justices of the peace of said city, a suitable and qualified person as assistant police judge, who shall exercise the power, authority, and jurisdiction herein conferred upon said police judge, in case of the absence, inability, or disability of the police judge to perform the duties of his office. While he shall officiate he shall receive the salary of the police judge, and during such time the police judge shall receive no salary.

Assistant police judge.

Power and authority of.

Salary of.

SEC. 12. Cases commenced in the name of said city for violations of the provisions of the charter or ordinances of said city, or of any act of the legislature relating to the government there-

Certain cases, how prosecuted, etc.

Disposition of
fines collected
in certain cases.

Clerk to make
monthly report,
etc.

Costs and ex-
penses, how
paid.

Fees, etc., same
as for like cases
before justices
of the peace.

Fees of
witnesses,
jurors, etc.

Authority of
judge to require
security for
costs, etc.

When court to
enter judgment
for costs against
sureties, etc.

Costs, manner
of collecting.

Proviso.

of, shall be prosecuted and proceeded in and the judgment thereon, and the final process upon such judgment to carry the same into effect, shall be in all respects as in criminal cases, but all fines and costs collected in such cases, and also all costs collected in State criminal cases, shall belong to and be paid by the clerk of police court into the city treasury of East Saginaw on the first Monday of each and every month, or within three days thereafter; but all fines collected in such State criminal cases shall belong to and be paid into the county treasury at the same time, and receipts therefor duly issued to said clerk. Said clerk shall at the same time report in writing to the common council of said city, in city and State criminal cases, and to the board of supervisors in State criminal cases, the names of all persons tried in said court during the preceding month, the offense charged against each, and the amount of fines and costs separately collected by him, and shall make oath thereto that the same are correct, and that he has paid over all said moneys respectively in accordance with the provisions of this act. All costs and expenses of trying, examining and committing offenders against any law of this State in said court, shall, unless collected, be audited and paid to said city in the manner provided in section sixteen of title four of the revised charter of said city.

SEC. 13. The fees and costs in each case in the said court, whether under the laws of this State or under the charter, by-laws or ordinance of said city, shall be the same as are or may be provided by law for like cases before justices of the peace, in criminal cases, and shall be taxed and an itemized bill kept in each file thereof; the fees of witnesses [witness], jurors, sheriffs and constables, other than police officers of said city, shall, when collected, be paid to them by said clerk, to their own use, and in city cases commenced before said police court for the recovery of fines, penalties or forfeitures, and in all cases of offenses against the criminal laws of this State, within the jurisdiction of said court to try and determine, if the defendant shall plead guilty to the offense charged, or shall be found guilty thereof on trial by said judge or jury, judgment for cost accruing in the case shall be rendered against and paid by said defendant in addition to the fine, penalty, or forfeiture imposed.

SEC. 14. The said police judge shall have authority, in all cases, either State or city, at his discretion, either before or after issuing of process, to require of the complaining witness security for costs to the satisfaction of said judge or clerk, and the person becoming such security shall sign a memorandum in writing to that effect, which said clerk shall keep as a part of the record in the case. If the defendant or accused be discharged on examination or acquitted on trial, the said police court shall enter a judgment for costs against the surety and the complaining witness, either or both of them, which shall be of like force and effect, and shall be collected as by judgments rendered by a justice of the peace in actions commenced by warrant, and of like form with such executions as near as may be: *Provided*,

however, Before rendering such judgment said court shall cause to be certified on the record that such payment of costs by such complaint is just and equitable.

SEC. 15. The clerk of the police court shall keep the records of said court, and do all the necessary clerical labor of said court, and be the custodian of the records and files and property of said court. He shall provide the court and its offices with necessary stationery, record blanks and other articles, to be furnished by said city on requisition on the common council thereof. The journal and docket entries of said court shall be signed by the judge thereof. Said clerk shall receive and account for all moneys collected in said court. He shall annually nominate a suitable person as deputy, to be elected by the common council of said city, who shall perform the duties of said clerk, in case of the absence, inability, or disability of said clerk to act, for whose acts said clerk and his bondsmen shall be at all times liable to said city and the county of Saginaw. While he shall officiate he shall receive the salary of the clerk, and during such time the clerk shall receive no salary. Said clerk of the said court shall file and preserve all the records and files of said court, and he shall not be concerned as counsel in any case therein. Said clerk may sign and seal, either with scroll or device; and if with a device, such device as may be ordered by such police judge, which order, if made, shall be filed and recorded by the said clerk as a part of the records of said court, all writs and process issuing from said court, as provided in section four of this act, and shall have power generally to administer oaths and affidavits, take recognizance or bail, swear witnesses and jurors, and do all acts usual and proper to do by the clerk within the jurisdiction of said police court.

Duties of clerk of court.

Deputy clerk.

Salary.

Further duties of clerk.

SEC. 16. Said police judge or clerk may be suspended from his office and removed therefrom in the same manner and form as provided by law for the suspension and removal of justices of the peace.

How judge or clerk may be suspended.

SEC. 17. In case of examination of offenders by said police court, for offenses committed against the criminal laws of this State, when said police court has jurisdiction to examine and hold to bail only, it shall be lawful for said police court to cause an order to be entered in the record of such examination, appointing, if in his judgment it is for the best interest of the public so to do, some suitable stenographer to take down in short hand the testimony in any such examination, and to write the same out in long hand, and any stenographer so employed in any such examination shall receive such per diem compensation for the time by him expended in so taking down such testimony and such price per folio for writing out in long hand such testimony so taken as aforesaid as shall be fixed by the board of supervisors of Saginaw county, the same to be allowed and paid out of the treasury of said county.

Stenographer may be appointed in certain cases.

Compensation.

SEC. 18. All criminal case [cases] arising in said city and commenced before any justice of the peace before this act shall take effect, and before said police judge shall be elected and shall enter upon the duties of his office, shall be tried, heard, determined or

Certain cases, how to be tried.

examined, as if this act had not been passed, and all cases pending in the police court of the said city, at the time said police judge shall enter upon the duties of his office, shall be tried, heard, determined or examined into as if this act had not been passed.

Acts repealed.

SEC. 19. All provisions of the charter of East Saginaw in any-wise contravening the provisions of this act, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved March 25, 1887.

[No. 47.]

AN ACT to amend section twenty-two of act number one hundred and eighty-two of the session laws of eighteen hundred and eighty-five, entitled "An act to provide for the appointment of a State live stock sanitary commission and a State veterinarian, and to prescribe their powers and duties, and to prevent and suppress contagious and infectious diseases among the live stock of the State."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two of act number one hundred and eighty-two of the session laws of eighteen hundred and eighty-five, entitled "An act to provide for the appointment of a State live stock sanitary commission and a State veterinarian, and to prescribe their powers and duties, and to prevent and suppress contagious and infectious diseases among the live stock of the State," be and the same is hereby amended so as to read as follows:

Sheep and

horses included.

SEC. 22. This act shall be construed so as to include sheep and horses.

This act is ordered to take immediate effect.

Approved March 26, 1887.

[No. 48.]

AN ACT to amend sections one, two, three, five, six, ten, twelve, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one and twenty-three, of act one hundred and twenty-four, laws of eighteen hundred and eighty-three, relating to the taking of private property for public use in cities and villages, and to repeal act number twenty-six of the public acts of eighteen hundred and eighty-two, as approved May thirty-first, eighteen hundred and eighty-three, so as to apply to counties in certain cases.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, five, six, ten, twelve, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one and twenty-three, of act

one hundred and twenty-four, laws of eighteen hundred and eighty-three, being an act to authorize cities and villages to take private property for the use or benefit of the public, and to repeal act number twenty-six of the public acts of eighteen hundred and eighty-two, as approved May thirty-first, eighteen hundred and eighty-three, be and the same are hereby amended so as to read as follows:

SECTION 1. That the common council of any city, or the board of trustees of any village, or the board of supervisors of any county in this State, is hereby authorized to take private property for the use or benefit of the public within the limitation of the State constitution, and to institute and prosecute proceedings for that purpose.

Authority of common council, etc., to take private property for public uses.

SEC. 2. Such proceedings may be commenced and prosecuted under this act, whenever the common council, board of trustees or board of supervisors shall have declared a public improvement to be necessary in the municipality or county, and shall declare that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that improvement is for the use or benefit of the public. They shall, by resolution, direct the city or village attorney, or the prosecuting attorney of the county, to institute the necessary proceedings in behalf of the municipality or county in the proper court, to carry out the object of the resolution in regard to taking private property by the city, village or county. Jurisdiction is hereby conferred upon the circuit court for the county in all cases brought under this act: *Provided*, That in cities having a recorder's court, the proceedings shall be instituted and prosecuted in that court, and in cities having a superior court and no recorder's court, such proceedings shall be instituted and prosecuted in such superior court, unless otherwise ordered by the board of supervisors, in matters pertaining exclusively to the interests of the county.

Proceedings, how and when commenced.

Proceedings, how instituted.

Jurisdiction of circuit court.

Proviso.

SEC. 3. The city, village or county clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolutions, certified under seal, and it shall be the duty of such attorney to prepare and file in the name of the city, village or county, in the court having jurisdiction of the proceedings, a petition signed by him in his official character and duly verified by him or by some person having knowledge of the facts; to which petition a certified copy of the resolutions of the common council, board of trustees or board of supervisors shall be annexed, which certified copy shall be *prima facie* evidence of the action taken by the common council, board of trustees or board of supervisors, and of the passage of said resolutions. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality or county in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation

Petition, who to prepare and file.

Contents of petition.

to be made. A description of the property proposed to be taken shall be given, and generally the nature and extent of the use thereof, that will be required in making and maintaining the improvement, shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the common council, or board of trustees or board of supervisors, has declared such public improvement to be necessary and that they deem it necessary to take the private property described in that behalf, for such improvement, for the use or benefit of the public. The petition shall ask that a jury be summoned and empaneled to ascertain and determine whether it is necessary to take such private property as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things, and may pray for any other or further relief to which the municipality or county may be entitled, within the object of this act.

Service of
summons.

SEC. 5. Said summons shall be served by the sheriff, under sheriff or a deputy sheriff of the county, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original, and delivering a copy to each of them. If any respondent, who is a resident of the county, cannot be found the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor, or person of unsound mind is interested in the premises to be taken, service may be made upon the guardian of such person, if any, and if there is no guardian the court may appoint some discreet and proper person to be guardian for such person in such proceedings; any such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found in the county, and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent, or respondents, to appear and show cause why the prayer of the petition should not be granted on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served upon such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance, and require, as to any or all such non-resident respondents who shall not have been served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within the municipality or county, if there be one, and if not, then in a paper published in the county nearest thereto, the last publication to be at least six days before the day fixed in the

Upon whom
served when
minor, etc., is
interested.

When respondent is a non-resident, etc.,

order for appearance. *Alias* and *pluries* summons may be issued, and the court may adjourn the proceedings from time to time, as there shall be occasion, and as in other civil cases. Service of such order for appearance, in either mode prescribed, shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons, and an affidavit of the due service or publication of the order for appearance, if any, shall be filed in the clerk's office before a jury shall be empaneled, and be sufficient evidence of service on the respondents and of the manner of service.

Alias and pluries summons.

Return of officers.

SEC. 6. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of twelve freeholders of the municipality or county, and shall be selected and empaneled as follows: The sheriff, under sheriff or a deputy sheriff of the county, shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, village or county, and the city or village attorney, or prosecuting attorney in person, or by an assistant or deputy, and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct, by a *were* issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the judge of the court, and in case any of the persons to be summoned cannot be found in the county, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such sheriff or sheriff's officer, or authorized person, and the practice and proceedings under this act, except as herein provided, relative to empaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of the circuit courts of the State relative to petit jurors in civil cases in such courts, except that peremptory challenges shall not be allowed.

Jury empaneled.

SEC. 10. The verdict of the jury may be set aside by the court and a new trial ordered as in civil suits at law in the circuit courts of this State. Amendments either in form or substance may be allowed in any paper, petition, process, record, or proceeding, or in the description of property proposed to be taken, or the name of any person, whether contained in a resolution passed by the common council, board of trustees, or board of supervisors of the county, or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

Verdict set aside same as in civil suits.
Amendments.

- Appeal.** SEC. 12. Any person whose property may be taken, considering himself aggrieved, may appeal from the judgment of the court confirming the verdict of the jury by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation and within the same time serving a copy thereof on the city or village attorney, or prosecuting attorney of the county and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal to judgment and the payment of all costs, damages, and expenses that may be awarded against him, in case the judgment of confirmation shall be affirmed. Such appeal shall be perfected within the same time and prosecuted as an appeal in chancery, as near as may be, subject to the provisions of this act.
- Appeal bond.**
- Perfecting appeal.**
- Hearing on appeals.** SEC. 14. The said appeal may be brought on for a hearing at any term of the supreme court, and said court may affirm, or for any substantial error reverse the judgment, and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and give judgment as in other chancery appeals, and all costs, damages and expenses awarded to the city, village, or county, if it so elect, may be applied on or deducted from the compensation, if any, to be paid, or execution may issue on the judgment. Damages may be awarded against a party appealing without reasonable cause.
- Costs, expenses, etc.**
- When clerk to transmit certified copy of proceedings.** SEC. 15. When the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or, if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court, affirming the judgment of confirmation, it shall be the duty of the clerk of the court to transmit to the common council, board of trustees, or board of supervisors, a certified copy of the verdict of the jury, and of the judgment of confirmation, and of the judgment, if any, of affirmance; and thereupon, the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the common council, or board of trustees, or board of supervisors, believe that a portion of the city, village or county in the vicinity of the proposed improvement, will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited; and thereupon they shall, by resolution, fix and determine the district or portion of the city [or] village or county benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion as nearly as may, to the advantage which such lot, parcel, or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceeding, as near as may be, as is provided in the charter of the
- Assessments according to benefits.**
- Making and collecting assessments.**

municipality for assessing, levying, and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the common council, board of trustees, or board of supervisors, shall be final and conclusive, and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made, until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided, shall be assessed, levied, and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected in such city, village or county. At any sale which takes place of the assessed premises, or any portion thereof, delinquent for non-payment of the amount assessed and levied thereon, the city, [or] village or county may become a purchaser at the sale.

When assessment roll to be final.

City may become purchaser at tax sale.

SEC. 16. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be affirmed, the common council, board of trustees, or board of supervisors, shall set apart and cause to be provided in the treasury the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall, in the resolution setting apart and providing said sum, direct the city or village treasurer, or the county treasurer, to pay to the persons respectively entitled to the money so set apart and provided, to each, his or her proportion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The common council, board of trustees or board of supervisors may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk, or county clerk, which certificates shall be *prima facie* evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury and thus secured to be paid, the common council, board of trustees, or board of supervisors, may enter upon and take possession of and use such private property for the purpose for which it was taken, and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on

Provision for amount to make compensation.

Treasurer to hold money.

Council, etc., may borrow money.

Duty of treasurer.

When council or trustees may take possession.

Writs of assistance.	the part of any one to the common council, board of trustees, board of supervisors, or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the common council, board of trustees or board of supervisors, by the city or village attorney, or prosecuting attorney, may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.
Compensation of officers.	SEC. 17. Officers, jurors and witnesses in any proceedings under this act shall be entitled to receive from the city, [or] village or county instituting the proceedings, the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of this State.
Costs and expenses.	SEC. 19. All the expenses and costs of the proceedings to take and use private property under this act, incurred by the municipality or county, shall be paid out of the general fund, or contingent fund, as the case may be; and it shall be lawful for the judge in any case to order the payment by the city, village or county to any respondent of such a reasonable attorney fee as he may deem just, which may be taxed with the costs.
Attorney fee.	SEC. 21. The common council, board of trustees, or board of supervisors shall not have power to discontinue proceedings under this act after the rendition of the verdict of the jury, but they may direct the city or village attorney, or prosecuting attorney of the county to move for a new trial, or to arrest the proceedings, or to take an appeal to the supreme court, and in any such case the same proceedings shall be taken as are hereinbefore prescribed in the case of like proceedings on the part of any respondent, except that no bond shall be required, nor shall the municipality or county be required to pay the clerk of the recorder's or superior court fees.
Motion for new trial, appeal, etc.	SEC. 23. In case there is on the private property taken a building or other structure, the same shall be sold by or under direction of the common council, board of trustees, or board of supervisors; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the common council, board of trustees, or board of supervisors shall cause such amount to be credited and applied in reduction <i>pro rata</i> of the assessment and apportionment made to pay for the property taken.
Sale of buildings.	Approved March 29, 1887.

[No. 49.]

AN ACT directing the Auditor General to issue monthly warrants on the State Treasury [Treasurer] to Marian Robertson, widow of the late John Robertson, Adjutant General, for the salary which said John Robertson would be entitled to as Adjutant General had he lived.

SECTION 1. *The People of the State of Michigan enact*, That the Auditor General is hereby directed to issue warrants on the State Treasurer monthly to Marian Robertson, widow of the late Adjutant General of this State, John Robertson, for the salary to which the said John Robertson would be entitled as Adjutant General of this State had he lived and served the full term to which he was appointed, and to deliver the same, when so issued, to the said Marian Robertson and take her receipt therefor, or to any person whom she may duly authorize to receive and receipt for the same.

Auditor General
to issue monthly
warrants, etc.

Ordered to take immediate effect.

Approved March 29, 1887.

[No. 50.]

AN ACT to provide for the incorporation and regulation of certain corporations generally known as building and loan associations.

SECTION 1. *The People of the State of Michigan enact*, That whenever any number of persons, not less than five, may desire to become incorporated as a mutual building and loan association, for the purpose of building and improving homesteads and loaning money to the members thereof only, they shall make a statement to that effect, under their hands and seals, duly acknowledged before some officer, in the manner provided for the acknowledgment of deeds. Such statement shall set forth the name of the proposed corporation, its capital stock, its location, and the duration of the corporation, which shall not exceed thirty years; which statement shall be filed in the office of Secretary of State. The Secretary of State shall thereupon authorize such persons to open books for subscription to the capital stock of said corporation at such time and place as they may determine; but shall not authorize two corporations having the same name.

Five or more
persons may in-
corporate.

What statement
shall set forth.

Authority of, to
open books, etc.

SEC. 2. As soon as one hundred shares or more of the capital stock shall be subscribed, a meeting of the subscribers shall be convened for the purpose of electing directors (not less than five in number), adopting by-laws, and the transaction of such other business as shall come before them. Notice thereof shall be given by depositing in the postoffice, properly addressed to each subscriber, at least five days before the time fixed, a written or printed notice, stating the object, time, and place of such meeting. Directors of such corporations, organized under this act, shall be elected, classified, and hold their office for such period of time as is provided in the by-laws of such corporation or association.

Meeting of sub-
scribers.

Notice of meet-
ing.

Directors, elec-
tion of, and term
of office.

SEC. 3. The persons authorized to receive subscriptions to the capital stock of said corporation shall make a report of their proceedings, including therein a copy of the notice provided for in the foregoing section, a copy of the subscription list, a copy of the by-laws adopted by the corporation and the names of the directors elected, and their respective terms of office; which report shall be

Duty of persons
authorized to
receive sub-
scriptions, etc.

Duty of Secretary of State	sworn to by at least a majority of them, and shall be filed in the office of the Secretary of State. The Secretary of State shall thereupon make a copy of all papers filed in his office in and about the organization of the corporation, and duly authenticated under his hand and seal of State, and the same shall be recorded in the office of the register of the deeds in the county in which the principal office of such company is located. Upon the recording of said copy the corporation shall be deemed fully organized, and may proceed to business. Unless such company shall be organized and shall proceed to business as provided in this act within two years after the date of authorization, it shall be deemed revoked, and all the proceedings thereunder void.
Organization completed.	
Body corporate and politic.	SEC. 4. Corporations formed under this act shall be bodies corporate and politic for the period for which they are organized; may sue and be sued; may have a common seal which they may alter or renew at pleasure.
Board of Directors to exercise corporate powers. <i>Provido.</i> Officers.	SEC. 5. The corporate powers shall be exercised by a board of directors: <i>Provided</i> , The number of directors shall not be increased or diminished, nor the term of office changed, without the consent of the owners of two-thirds of the shares of stock. The officers of the corporation must be members of the board of directors, and shall consist of a president, vice-president, secretary, and treasurer, and such other officers as may be provided for in the by-laws of such corporation or association, to be elected at the annual meeting of the board of directors as may be provided for in the by-laws of the corporation: <i>Provided</i> , That the expense of carrying on said corporation, including compensation for officers and directors, shall be provided for in the by-laws of such corporation: <i>And provided</i> , That the secretary and treasurer shall give bonds and security to be approved by the board of directors.
<i>Provido.</i>	
Further <i>proviso</i> .	
Shares, amount of each, limited, etc.	SEC. 6. The shares of stock shall not exceed two hundred dollars each and shall be deemed personal property, transferable upon the books of the company in such manner as may be provided by the by-laws, and subscriptions therefor shall be made payable to the corporation, and shall be payable in such periodical installments and at such time as shall be determined by the by-laws; but no periodical payment to be made exceeding two dollars on each share. Said stock may be paid off and retired as the by-laws shall direct, and every share of stock shall be subject to a lien for the payment of unpaid installments and other charges incurred thereon under the provisions of the by-laws, and the by-laws may prescribe the form and manner of enforcing such lien.
Subscriptions, when and where payable.	
Shares subject to a lien, etc.	
New shares.	New shares of stock may be issued in lieu of shares withdrawn or forfeited, and the stock may be issued in one or in successive series, as may be provided in the by-laws, and in such amount (not to exceed the total capital stock) as the board of directors may determine, and any stockholder wishing to withdraw from the said corporation shall have the power to do so by giving thirty days' notice in writing at a stated meeting of his or her intention to withdraw, when he or she shall be entitled to receive the
Notice of withdrawal.	

amount paid in by him or her, and such interest thereon or such proportion of the profits thereon as the by-laws may determine, less all fines and other charges; but payments of the stock so withdrawn shall only be due when the funds applicable to the demand of withdrawing stockholders are sufficient to meet and liquidate the same, and then only in the order of the respective times of presentation of the notices of such withdrawal: *Pro-* Payments of stock, etc., when due.
vided, That at no time shall more than one-half of the funds of the treasury of the corporation be applicable to the demands of withdrawing stockholders without the consent of the board of directors, and that no stockholder shall be entitled to withdraw whose stock is held in pledge for security. Upon the death of a stockholder his or her legal representative shall be entitled to receive the full amount paid in by him or her on all shares not borrowed upon or pledged to the association as collateral security and such interest thereon or such proportion of the profits thereon as are granted to withdrawing stockholders, first deducting all charges that may be due on the stock; but no fines shall be charged to a deceased member's account from and after his or her decease unless the legal representatives of such decedent assume the future payment of the dues on the stock. In case of death of stockholder.

SEC. 7. Married women may become subscribers to the capital stock of such corporation, and hold, control and transfer their stock in all respects as *femmes sole*, and their stock shall not be subject to the control of or liable for the debts of their husbands. Minors may become subscribers to and owners of the stock of such corporations by guardian or trustee, and such guardian or trustee may withdraw the stock of such minor, as provided in section six of this act: *Provided, however*, That Who may become subscribers, etc.
such guardian or trustee shall give bonds to the probate court in double the amount of the withdrawal value of such stock, for the use of such minor on his or her becoming of age; but it is hereby provided that the owner or legal representative of the stock of such association shall be entitled to vote at any election, when the stockholders are called upon to vote, in the manner provided in the by-laws of such association: *And* Proviso.
provided further, That no stockholder shall cast more than forty votes. Further proviso

SEC. 8. The board of directors shall hold such stated meetings as may be provided by the by-laws, at which the money in the treasury, if more than the amount fixed by the by-laws as the full value of a share, shall be offered for loan in open meeting, and the stockholder who shall bid the highest premium for the preference or priority of loan shall be entitled to receive a loan of not more than the amount fixed by the by-laws as the full value of a share of stock (less the premium bid), for each share of stock held by said stockholder: *Provided*, That no loan shall Meeting of directors.
be made by said corporation except to its own members, nor in any sum in excess of the amount of stock held by such members borrowing. Good and ample real estate security shall be given Loans.
Proviso.

by the borrower to secure the re-payment of the loan, but when the amount at risk shall exceed three-fourths of the appraised value of real estate other collateral security shall be required as provided in by-laws of association: *Provided, however,* That the stock of such association may be received as security to the amount of the withdrawal value of such stock.

Proviso. In case borrower shall neglect to offer security.

Non-payment of installments. SEC. 9. In case the borrower shall neglect to offer security, or shall offer security that is not approved by the board of directors by such time as the by-laws may prescribe, he or she shall be charged with one month's interest, together with any expenses incurred, and the loss in premium, if any, on a re-sale, and the money may be re-sold at the next stated meeting. In case of non-payment of installments, or interest and fines, by borrowing stockholders for the space of six months, payments of principal and interest and fines, without deducting the premium paid or the interest thereon, may be enforced by proceedings against their securities, according to law, upon the order of the board of directors: *Provided,* That fines or penalties for the non-payment of installments of dues, interests and bonus of premium shall not exceed two per centum per month on all arrearages.

Re-payment of loan, etc. SEC. 10. A borrower may repay a loan at any time, and in the event of the re-payment thereof before the expiration of the eighth year after organization of the association, or the date of issue of the series of stock in such association on which the loan may have been made, there shall be refunded to such borrower one-eighth of the premium paid for every year of the said eight years then unexpired: *Provided,* That at the time of such re-payment, the stock upon which such loan is based shall be withdrawn in the manner provided in section six of this act relative to withdrawing stockholders.

Fines, interest, etc., not deemed usurious. SEC. 11. Corporations organized under this act being of the nature of coöperative associations, therefore no premium, fines, nor interest on such premiums that may accrue to the said corporation, according to the provisions of this act, shall be deemed usurious, and the same may be collected as other debts of like amount may be collected by law in this State.

Effect of neglect to elect officers. SEC. 12. No corporation or association created under this act shall cease or expire from neglect on the part of the corporation to elect officers at the time mentioned in their by-laws, and all officers elected by such corporations shall hold their offices until their successors are duly elected and qualified.

Terms of officers. SEC. 13. Any loan or building association incorporated by or under this act is hereby authorized and empowered to purchase at any sheriff's or other judicial sale, or at any other sale, public or private, any real estate upon which such association may have or hold any mortgage, lien or other incumbrance, or in which said association may have an interest, and the real estate so purchased to sell, convey, lease or mortgage at pleasure to any person or persons whomsoever.

Power of association to purchase at sale certain real estate, etc.

SEC. 14. Any loan or building association incorporated under this act, or any prior act, may extend the duration of time for which such association was organized by a vote of two-thirds of the capital stock of such association at any annual meeting of the stockholders of such association; thereupon the board of directors shall transmit a copy of the proceedings of such annual meeting, duly attested, to the Secretary of State, who shall make a duly authenticated copy thereof, as provided in said section three of this act, certifying to the extensions of time of such corporation, and the same shall be recorded as provided in said section three of this act, and any building and loan association incorporated under any prior act, and extending the duration of the time for which it was incorporated, in the manner herein provided, shall be deemed as incorporated under and be vested with all of the power given in this act, the same as though such corporation had been originally incorporated under it.

Time for which association was organized, how extended.

SEC. 15. Each association formed under the provisions of this act shall, at the close of its first year's operations, and annually at the same period in each year thereafter, publish in at least two newspapers published in the same place where their business may be located, or if no newspaper be published in such place, then in any two newspapers published nearest such place, a concise statement, verified by the oaths of its president and secretary, showing the actual financial condition of the association, and the amount of its property and liabilities, specifying the same particularly.

Association shall publish financial statement annually.

SEC. 16. The shares held by any member, being a householder, of any association incorporated under the provisions of this act shall be exempted from levy and sale on execution or attachment to the amount of one thousand dollars in such shares, at the par value thereof: *Provided*, That such exemption shall not apply to any person who shall have a homestead exempted under the general laws of this State.

Shares held by certain members exempt from levy, etc.

Proviso.

This act is ordered to take immediate effect.

Approved March 29, 1887.

[No. 51.]

AN ACT to amend section one of act number thirty-eight of the public acts of eighteen hundred and eighty-three, entitled "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships," approved April twenty-first, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact*, That section one, of act number thirty-eight, of the public acts of eighteen hundred and eighty-three, entitled "An act to provide for adjustment of rights and liabilities on division of territory of cities and townships," approved April twenty-first, eighteen hundred and eighty-three, be amended so as to read as follows:

Section amended.

Adjustment of
rights, liabilities,
etc., and
division of
property.

SECTION 1. When land shall be detached from any city or township in this State and attached to any city or township, or organized into a new township, the moneys, rights, credits and personal property belonging to any city or township, the boundary of which may be so changed, or from which a new township shall be organized, shall be divided between said cities, townships, or city and township; the city or township to which said territory is attached, or the newly organized township, as the case may be, to have such a proportion as the value of the taxable property attached thereto, or embraced in such new township, bears to the whole value of the taxable property of the city or township from which said territory was detached, and the city or township from which territory is detached shall be entitled to the balance of said moneys, rights, credits and personal property, the value of said taxable property to be ascertained from the assessment roll of said city or township made immediately before such change of boundary: *Provided*, That in case said assessment roll shall have been lost or destroyed, the value of said taxable property may be ascertained by the assessment or tax roll of said city or township made before and nearest to the time of said change of boundary, which can be produced; and in case all of the assessment and tax rolls of said city or township made prior to such division or organization of the new township shall have been lost or destroyed, then the value of said taxable property may be determined by any other competent evidence.

Proviso.

This act is ordered to take immediate effect.

Approved March 29, 1887.

[No. 52.]

AN ACT to amend section twenty-eight of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section six thousand eight hundred and forty-one of Howell's Annotated Statutes of Michigan, relative to courts held by justices of the peace.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-eight of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section six thousand eight hundred and forty-one of Howell's Annotated Statutes of Michigan, relative to courts held by justices of the peace, be amended so as to read as follows:

Service when
defendant cannot
be found.

SEC. 28. If the defendant cannot be found within the county, the constable shall leave a copy of the attachment and inventory certified by him at the last place of residence of the defendant, if there be any such place within the county, and if not, then by leaving the same with any person in whose possession such goods and chattels, moneys and effects may be found, or in case garnishee proceedings shall be commenced simultaneously with the

issuing of said writ, and no goods, chattels, or effects shall be found on which to levy such writ, then by leaving a certified copy of said writ with such garnishee defendant.

Approved April 1, 1887.

[No. 53.]

AN ACT making an appropriation for the support of the State Public School for the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight, and for making improvements at that institution, and to provide a tax for the same.

SECTION 1. *The People of the State of Michigan enact, That* the sum of thirty-five thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State Public School for the year eighteen hundred and eighty-seven; and the farther sum of thirty-five thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State Public School for the year eighteen hundred and eighty-eight; and that the farther sum of eight thousand five hundred dollars be and the same is hereby appropriated out of the general fund for the following named purposes for the State Public School: For general repairs on buildings and painting, two thousand five hundred dollars; for building a brick laundry, two thousand five hundred dollars; for building an addition to the school-house, twelve hundred dollars; for repairs on steam and water works and for the extension of water mains to the barns for fire protection, five hundred dollars; for continuation of cement sidewalks, five hundred dollars; for fencing and un[der]draining on the farm, five hundred dollars; for building an addition to the horse barn, three hundred dollars; and for the library and current literature, two hundred dollars; and for a piano, three hundred dollars.

Appropriated for current expenses for 1887.

For current expenses for 1888.

For repairs, etc.

For laundry.

Addition to school-house, steam and water works.

Sidewalks.

Fencing, etc.

Library, etc.

SEC. 2. That the several sums appropriated by the provisions of this act shall be passed to the credit of the State Public School and paid to the board of control of that institution, or to its treasurer, at such times and in such amounts and manner as is now provided by law and this act, and as may be made to appear to the Auditor General to be necessary.

When and how paid.

SEC. 3. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and eighty-seven the sum of forty-three thousand five hundred dollars, and for the year eighteen hundred and eighty-eight the sum of thirty-five thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be placed to the credit of the general fund to reimburse it for the sums appropriated by section one of this act.

Tax for.

This act is ordered to take immediate effect.

Approved April 1, 1887.

[No. 54.]

AN ACT to amend section eleven of act number one hundred and thirteen of the laws of eighteen hundred and sixty-nine, entitled "An act to authorize the formation of companies for the introduction of water into towns, cities and villages in the State of Michigan," being section three thousand one hundred and twenty of Howell's Annotated Statutes of Michigan.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section eleven of act number one hundred and thirteen of the session laws of eighteen hundred and sixty-nine, being section thirty-one hundred and twenty of Howell's Annotated Statutes of Michigan, be and the same is hereby amended so as to read as follows:

Stockholders
individually
liable for debts
of corporation.

(§3120.) SEC. 11. The stockholders of all corporations organized under this act shall be individually liable for any labor or services done or performed for said company, and they shall also be liable, as aforesaid, for the payment of all other debts or obligations contracted or incurred by said corporation during the time that they were stockholders, to the amount of all unpaid installments of stock held by them respectively, which liability may be enforced against any stockholder founded on this statute at any time after an execution shall be returned not satisfied against said company: *Provided always*, That if any stockholder shall be compelled by any such action to pay the debts of any creditor or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Proviso.

Approved April 8, 1887.

[No. 55.]

AN ACT to amend section thirty-five of an act entitled "An act to provide for the incorporation of villages," being act number one hundred and sixty-eight of the session laws of eighteen hundred and fifty-seven, the same being compiler's section thirty-three hundred and thirty-three of the compiled laws of eighteen hundred and seventy-one, and section thirty hundred and seventeen of Howell's Annotated Statutes relative to duplicate tax rolls in villages.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-five of an act entitled "An act to provide for the incorporation of villages," being act number one hundred and sixty-eight of the session laws of eighteen hundred and fifty-seven, the same being compiler's section thirty-three hundred and thirty-three of the compiled laws of eighteen hun-

dred and seventy-one, and section thirty hundred and seventeen of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

SEC. 35. It shall be the duty of the president and trustees to make out a duplicate tax roll, charging each individual therein an amount of the tax in proportion to the amount of real and personal estate of such individual within such village, and annex thereto their warrant, signed by the president and clerk, and deliver the same to the marshal, whose duty it shall be to collect the said taxes within such time and in such manner as the by-laws shall direct. And if the said duplicate tax roll shall in any manner be lost or destroyed, or stolen from the said marshal, then it shall be the duty of the said president and trustees to make another duplicate tax roll and warrant, in the same form and manner as hereinbefore described, and deliver the same to the marshal, and the same shall have the same force and effect as the original duplicate tax roll.

Duplicate
tax roll.

Warrant.

In case of loss,
etc.

This act is ordered to take immediate effect.

Approved April 8, 1887.

[No. 56.]

AN ACT to amend section number one of chapter number six of an act entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, being section fifty-one hundred and three of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section number one of chapter number six of an act entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, be and the same is hereby amended so as to read as follows:

Section
amended.

SECTION 1. Any school district may, by a two-thirds vote of the qualified electors of said district, present at any annual meeting or special meeting called for that purpose, borrow money, and may issue bonds of the district therefor to pay for a school-house site or sites and to erect and furnish school buildings, as follows: Districts having less than thirty children between five and twenty years of age, may have an indebtedness not to exceed three hundred dollars; districts having thirty children of like age may have an indebtedness not to exceed five hundred dollars; districts having fifty children of like age may have an indebtedness not to exceed one thousand dollars; districts having one hundred children of like age may have an indebtedness not to exceed three thousand dollars; districts having one hundred and

Districts may
borrow money
and issue bonds

Amount
limited.

twenty-five children of like age, and with an assessed valuation of not less than one hundred and fifty thousand dollars, may have an indebtedness not to exceed five thousand dollars; districts having two hundred children of like age may have an indebtedness not to exceed eight thousand dollars; districts having three hundred children of like age may have an indebtedness not to exceed fifteen thousand dollars; districts having four hundred children of like age may have an indebtedness not to exceed twenty thousand dollars; districts having five hundred children of like age may have an indebtedness not to exceed twenty-five thousand dollars, and districts having eight hundred children or more of like age may have an indebtedness not to exceed thirty thousand dollars: *Provided*, That the indebtedness of a district shall in no case extend beyond ten years for money borrowed:

Proviso. *Provided, further*, That in all proceedings under this section the director, assessor and one person appointed by the district board shall constitute a board of inspection, who shall cause a poll list to be kept and a suitable ballot-box to be used, which shall be kept open two hours, and said ballotings shall be conducted in the same manner as at township elections.

This act is ordered to take immediate effect.

Approved April 8, 1887.

[No. 57.]

AN ACT to amend section five of an act entitled "An act to regulate and provide for the carrying, yarding and feeding of so-called Texas cattle while in transit into or across this State between the first day of April and the first day of November of each year," approved June sixteenth, eighteen hundred and eighty-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of act number one hundred and ninety-eight, laws of eighteen hundred and eighty-five, entitled "An act to regulate and provide for the carrying, yarding and feeding of so-called Texas cattle while in transit into or across this State between the first day of April and the first day of November of each year," approved June sixteenth, eighteen hundred and eighty-five, be amended so as to read as follows:

Certain violation a misdemeanor.

SEC. 5. Any person or person [persons] who shall knowingly or willfully place or attempt to place any neat cattle, or others than those mentioned in section one, in any car or yard provided for in section two or three of this act, and branded and lettered as therein provided for between the first day of April and the first day of November following, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned not

Punishment.

less than ten days nor more than sixty days, or both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved April 8, 1887.

[No. 58.]

AN ACT to facilitate the commencement of suits in justice courts against joint defendants, one or more of whom shall not reside in or be found in the county where the suit shall be brought.

SECTION 1. *The People of the State of Michigan enact, That* when an action on any contract or obligation shall have been or shall be brought before any justice of the peace of this State against two or more joint defendants, one or more of whom shall not reside or be found in the county where the suit shall be brought, and one or more of the defendants shall be served with process in the county where suit is commenced, and due proof of such service shall be filed with the justice of the peace before whom such suit is pending, upon application of the plaintiff in such action, at any time within four days from the return day of the writ by which such action was commenced, the justice shall issue one or more *alias* writs of summons or other writ whereby such suit was commenced, returnable not less than six or more than twelve days from date of issue, directed to the sheriff or any constable of the county or counties where such defendant or defendants not so served may be found; and the justice shall endorse on such *alias* writ or writs what defendant or defendants have been served in the county where such suit is commenced, as shown by the proof of service filed with such justice; and it shall be the duty of such sheriff or constable to serve such process not less than six days from the return day thereof, and make return thereof to the justice of the peace issuing the same: *Provided*, That it shall be the duty of the justice of the peace on the return day of the first writ, to continue the cause upon his own motion, and without pleadings, until the return day of the *alias* writ or writs.

When alias writs of summons to be issued.

To whom directed.

How endorsed.

Duty of officers.

Provide as to continuance of case.

This act is ordered to take immediate effect.

Approved April 9, 1887.

[No. 59.]

AN ACT to provide for the completion of biographical and historical work commenced by the semi-centennial commission.

SECTION 1. *The People of the State of Michigan enact, That* the biographical and historical work commenced by the semi-centennial commission shall be completed under the direction and

Work to be completed under direction of Governor.

What to include.

charge of the Governor of the State, such work to include biographies of members of the territorial and State Legislatures down to the period when they appear in the Legislative manual; also of State officers, United States Senators, members of Congress, supreme and circuit court judges, members of constitutional conventions and conventions of assent, United States judges and district attorneys, regents of the university and members of the State board of agriculture, also a brief colonial, territorial and State history and history of counties.

Appropriation for.

SEC. 2. The sum of three thousand dollars, or such part thereof as may be needed, is hereby appropriated for the completion and publication of said work, to be paid out of the general fund from moneys not appropriated for any other purpose, the sum to be paid out by the State Treasurer upon the warrant of the Auditor General, who shall report the amount to the next Legislature:

Proviso.

Provided, That after the material provided for by section one is ready for publication, such number of copies thereof be published as the balance of the appropriation on hand, or for which no obligation has been incurred, will do: *And provided further*, That no obligation shall be incurred under this act in excess of the appropriation herein made.

Further proviso

Tax assessed.

SEC. 3. There shall be assessed upon the taxable property of the State for the year eighteen hundred and eighty-seven, the sum of three thousand dollars, which sum shall be assessed, levied and collected in the same manner as other State taxes are assessed, levied and collected, which tax, when collected, shall be credited to the general fund to reimburse the same for the amount drawn therefrom as provided in section two of this act.

This act is ordered to take immediate effect.

Approved April 9, 1887.

[No. 60.]

AN ACT to amend act number two hundred of the session laws of eighteen hundred and forty-nine, being compiler's section number seven hundred and fifty of Howell's Annotated Statutes, relative to raising money by township boards.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That act number two hundred of the session laws of eighteen hundred and forty-nine, being compiler's section number seven hundred and fifty of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

When township board to raise money for town purposes.

(§750.) SEC. 1. Whenever the qualified electors of any township, at the annual township meeting, shall neglect or refuse to vote such sums of money as may be necessary to defray the ordinary township expenses, the township board of any such township is hereby authorized, at any regular meeting, to vote such sum or sums as may be necessary for that purpose, not exceeding in any one year, the sum of one thousand dollars.

This act is ordered to take immediate effect.

Approved April 9, 1887.

[No. 61.]

AN ACT to amend section three of chapter sixteen of the revised statutes of eighteen hundred and forty-six, as amended by act number two hundred and twelve of the session laws of eighteen hundred and seventy-five, being compiler's section number six hundred and seventy-one of Howell's Annotated Statutes relative to the powers and duties of townships.

SECTION 1. *The People of the State of Michigan enact*, That section number three of chapter number sixteen of the revised statutes, as amended by act number two hundred and twelve of the session laws of eighteen hundred and seventy-five, being compiler's section number six hundred and seventy-one of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

(§671.) SEC. 3. The inhabitants of any township shall have the power, at any legal meeting, by a vote of the qualified electors thereof, to grant and vote sums of money, not exceeding such amounts as are or may be limited by law, as they shall deem necessary for defraying all proper charges and expenses arising in such township; but they shall not vote or raise by tax, in any one year, for contingent or ordinary expenses of the township, to exceed the sum of one thousand dollars. No money shall be raised by tax on the property of the township in excess of one thousand dollars in any one year for township purposes except such as shall be voted for specific purposes, to be set forth and entered upon the records of the township, and all moneys so raised shall constitute a fund for the purpose or purposes so expressed, and shall not be applied to any other purpose. No board, officer or officers shall create any debt or liability against the township, or issue any warrant, certificate or order for the payment of money, except when the creation of such debt or liability or the payment of such money has been authorized by such vote or by the provisions of law.

Section amended.

Power of inhabitants of township to raise money, etc.

Amount limited.

Officers prohibited from creating debt, etc.

This act is ordered to take immediate effect.

Approved April 9, 1887.

[No. 62.]

AN ACT to amend section twenty-five of an act entitled "An act to amend, revise and consolidate the laws organizing asylums for the insane, and regulating the care and management thereof, and of the inmates therein, and to repeal act one hundred and sixty-four, laws of eighteen hundred and fifty-nine; also act one hundred ninety-four, laws of eighteen hundred seventy-seven; also act ninety-one, laws of eighteen hundred seventy-three, and the acts amendatory thereof; also act one hundred seventy-two, laws of eighteen hundred seventy-three," being act one hundred thirty-five, laws of eighteen hundred eighty-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-five of act one hundred and thirty-five of laws of eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows :

Paupers and indigent insane not to be refused admittance to asylum by judge.

Judge of probate to report.

Controversy as to liability for maintenance to be settled by circuit judge.

County responsible, to refund and pay lawful charges.

In case no legal settlement found, judge to certify to Secretary of State, etc.

State responsible.

Proviso.

SEC. 25. Whenever the judge of probate of any county, before whom a pauper, or indigent insane person may be brought, shall find that said pauper or indigent person has not acquired a legal settlement in the said county, the said judge of probate shall not, for that reason, refuse to give his order to admit the said insane person or persons into an asylum for the insane, there to be kept and maintained at the expense of the said county. He shall, however, in such cases, make a separate and special report of his finding on the question of settlement to the superintendent of the poor of said county. Should controversy arise respecting the liability of two or more counties for the maintenance of said insane person, the superintendents of the poor of either of said counties, after notifying the superintendents of the poor of each and all counties involved in the question of such liability, may bring the matter before any circuit judge for hearing and determination, and the county found by said judge upon such hearing to be responsible, shall refund, according to section twenty-eight of this act, to the county first chargeable, according to same section, all moneys paid or advanced for the maintenance and support of said insane person at any asylum, and the county so found responsible shall thereafter pay the lawful charges for such insane person or persons at an asylum for a period not exceeding two years. But if, on such hearing, the said circuit judge shall find that the said insane person has no legal settlement in any county in this State, or that he is unable from the evidence to find where that settlement is, then, and in that case, he, the said judge, shall certify his findings to the Secretary of State, and to the medical superintendent of the asylum in which the insane person may be held, and the State shall become responsible for the legal cost of the investigation and for the maintenance of said insane person as for other State patients: *Provided*, That whenever the judge of probate of any county shall find that any pauper or indigent insane person brought before him has not acquired a legal settlement in any county in this State, he shall thereupon make an order to admit such insane person into an asylum for the insane, there to be kept and maintained at the expense of the State, and shall, at the same time, certify his finding upon the question of such settlement to the Secretary of State, and to the medical superintendent of the asylum to which said insane person has been sent, and the State shall become responsible for the maintaining of said insane person, as for other State patients.

This act is ordered to take immediate effect.

Approved April 9, 1887.

[No. 63.]

AN ACT to amend section seventy-five of chapter sixteen of the revised statutes of eighteen hundred and forty-six, being compiler's section number seven hundred and forty-nine of Howell's Annotated Statutes, relative to powers and duties of township boards.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section number seventy-five of chapter sixteen of the revised statutes of eighteen hundred and forty-six, being compiler's section number seven hundred and forty-nine of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

(§749.) SEC. 75. No accounts shall be audited by such board, except such as are made in writing, giving the particular items of such account, and verified by oath or affirmation of the claimant or some one in his behalf. If such account shall include a claim for labor or services, for which a certain rate per day is allowed by law, or demanded by the claimant, it shall set forth correctly the number of days spent in such service, the nature of the services rendered, and the date thereof as near as may be. All accounts audited by such board shall be filed and preserved by the clerk, for the inspection of any of the inhabitants of the township, or of any persons liable to pay taxes therein, and shall be produced at the next annual township meeting and there read by him, if the same shall be required by the meeting. Accounts to be written and verified. What shall be set forth in account. Accounts to be filed and produced at annual meeting.

This act is ordered to take immediate effect.

Approved April 9, 1887.

[No. 64.]

AN ACT to amend section one (1) of an act entitled "An act requiring judges of probate in certain cases to give notice to foreign consuls of an application for administration in the estate of deceased persons," being compiler's section sixty-eight hundred and twelve (6812), of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section one of an act entitled "An act requiring judges of probate in certain cases to give notice to foreign consuls of an application for administration in the estate of deceased persons," be and it is hereby amended so as to read as follows:

SECTION 1. Whenever it shall appear upon application to any probate court for letters of administration, or to prove the will of any deceased person, that the heirs at law of said deceased, or any of them, are residents of a foreign country, it shall be the duty of the judge of such probate court to notify the consul resident in this State, if there be one of such foreign nation, where the said Duty of judge of probate to notify foreign consul in certain cases.

How notice to
be given.

heir or heirs may reside, and if no such consul reside in this State, he shall notify the consul of such foreign nation in the city of New York of the pending of, and the day appointed for hearing such application. And such notice may be given by letter addressed to such consul and deposited in the postoffice, with the postage prepaid thereon, at the city or village where such application was made, at least sixty days before such day of hearing, unless such heir or heirs shall file in such probate court a waiver of such notice, in writing and under oath.

This act is ordered to take immediate effect.

Approved April 9, 1887.

[No. 65.]

AN ACT to enable the executive committee of the State agricultural society to permanently locate the place of holding its annual fairs.

Executive com-
mittee empow-
ered to perma-
nently locate
place of holding
annual fairs.

SECTION 1. *The People of the State of Michigan enact*, That the executive committee of the State agricultural society shall have the power, by a majority vote of all the members of said committee at any annual meeting or adjourned annual meeting thereof, to permanently locate the place of holding the annual fairs of said society.

Approved April 9, 1887.

[No. 66.]

AN ACT to amend section one of act number two hundred and twenty-one of the laws of eighteen hundred and sixty-three, entitled "An act to amend an act entitled 'an act to provide for the floating of logs and timbers in the streams of this State, approved March sixteenth, eighteen hundred and sixty-one,' " as amended by act number eighty-five of the laws of eighteen hundred and seventy-nine.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number two hundred and twenty-one of the laws of eighteen hundred and sixty-three, entitled "An act to amend an act entitled 'an act to provide for the floating of logs and timbers [timber] in the streams of this State, approved March sixteenth, eighteen hundred and sixty-one,' " as amended by act number eighty-five of the laws of eighteen hundred and seventy-nine, the same being section two thousand and thirty-five of Howell's Annotated Statutes, be so amended as to read as follows:

Obstructions to
streams, etc.,
how removed.

(§2035.) SECTION 1. If any person or persons shall put or cause to be put into any lake, river, creek or stream of this State any logs, lumber, timber, cedar poles or other forest products, for the purpose of floating the same to market or a place of manufacture, whether such lake, river, creek or stream in its natural condition

is navigable, or is made navigable for logs, timber and other forest products by dams or other artificial means, and shall not make adequate provisions, and put on a sufficient force of men for breaking jams of such logs, timber, lumber, cedar poles or other forest products in or upon such lake, river, creek or stream, or for running, driving or clearing the same from the banks or shores of such lake, river, creek or stream and shall thereby hinder or delay the removal of any logs, timber, lumber or other forest products from the banks or shores of such waters, or by putting of the same afloat therein, or shall thereby obstruct the navigation of such lake, river, creek or stream, or hinder or delay the running of any logs, timber, lumber, cedar poles or other forest products in such waters, it shall be lawful for any other person, company or corporation, engaged in floating logs, timber, lumber, cedar poles or other forest products in such lake, river, creek or stream so obstructed, to cause such jams to be broken and such logs, timber, lumber, cedar poles or other forest products to be run, driven and cleared from the banks of such lake, river, creek or stream at the cost and expense of the person or persons, company or corporation owning the same; and such owner or owners shall be liable to the person or persons, company or corporation doing or causing such work to be done for such costs and expenses; and the person or persons, company or corporation breaking such jams or causing the same to be broken, or running or driving such logs, timber, lumber, cedar poles or other forest products, or clearing the banks or shores of such waters thereof, shall have a lien on such logs, timber, lumber, cedar poles or other forest products for his or their reasonable charges and expenses for breaking such jams and for running and driving logs, timber, lumber, cedar poles and other forest products, and for clearing the banks or shores of such waters of the same, and shall be entitled to take and retain possession of such logs, timber, lumber, cedar poles or other forest products wherever the same may be found, or so much thereof as may be necessary to pay and satisfy the amount of such charges and expenses, and all cost thereon until the same shall be determined, paid and satisfied in the manner hereinafter provided.

Liability of owner.

Lien on logs, etc.

This act is ordered to take immediate effect.
Approved April 13, 1887.

[No. 67.]

AN ACT to provide for the ceding to the United States exclusive jurisdiction over the site and grounds in the township of L'Anse, county of Baraga, selected for the erection of a government school-house to be used for the Indians, or for other purposes, except the administration of the criminal laws of the State and the service of civil process therein.

SECTION 1. *The People of the State of Michigan enact, That the State of Michigan hereby cedes to the United States exclusive*

State to cede to
U. S. jurisdic-
tion over cer-
tain territory.
Territory
described.

jurisdiction over the site and grounds situated in the township of L'Anse, county of Baraga, and described as follows, viz: commencing at a point eight chains and eighty links north of the northwest corner of the northeast quarter of the southwest quarter of section nineteen, township fifty-one north, of range thirty-two west, running thence north one chain and seventy links, thence north fifty-three degrees and twenty minutes west three chains, thence south thirty-seven degrees and thirty minutes west two chains, thence south fifty degrees and ten minutes east four chains, thence north fifty-two degrees and thirty minutes east one chain and six links to the place of beginning, containing three-fourths of an acre, which said above described land is selected for the erection of a government school-house to be used for the Indians; and exclusive jurisdiction thereover is hereby ceded to the United States for such or for other purposes, except the administration of the criminal laws of the State of Michigan and the service of civil processes therein.

For what pur-
poses ceded.

This act is ordered to take immediate effect.

Approved April 14, 1887.

[No. 68.]

AN ACT to make possession of game or fish out of season *prima facie* evidence of the violation of the laws protecting the same.

Possession of
game, fish, etc.,
evidence of vio-
lation of law.

SECTION 1. *The People of the State of Michigan enact*, That in all prosecutions for the violation of any of the laws for the protection and preservation of game and fish, proof of the possession of any such game or fish, or of the skin, carcass or any portion of the skin or carcass of such game or fish, at any time when the killing, taking or having in possession any of such game or fish is by law prohibited, shall be *prima facie* evidence of a violation of the law by the person or persons in whose possession the same shall have been found.

This act is ordered to take immediate effect.

Approved April 14, 1887.

[No. 69.]

AN ACT to authorize the incorporation of suburban homestead, villa park and summer resort associations.

Not less than
five may form
association.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, who shall desire to form an association for the purpose of purchasing, holding, improving and disposing of lands or lots for suburban homesteads or residences, or for a villa park or summer resort, may meet at such time and place as they, or a majority of them, may agree, and appoint a chairman and secretary by vote of a majority of the persons present at the meeting, and proceed to form an asso-

ciation by determining on a corporate name by which the association shall be known, and the period for which it is incorporated, not exceeding thirty years, the number of trustees to manage the concerns of the association, which number shall not be less than three nor more than thirteen, and the day in each year upon which the future annual elections of trustees shall be held, and thereupon may proceed to elect by ballot the number of trustees so determined upon, and the trustees so elected shall hold their offices for one year, and until their successors are elected and qualified.

SEC. 2. The chairman and secretary of the meeting shall within ten days after such meeting make a written certificate and sign their names thereto, and acknowledge the same before an officer authorized to take acknowledgments of conveyances, which certificate shall state the names and residences of the associates who attended such meeting; the corporate name of the association determined upon by the majority of the persons who met, the number of trustees fixed on to manage the concerns of the association; the names of trustees chosen at the meeting and the day fixed on for the annual election of trustees, which certificate shall be recorded in the clerk's office of the county in which the property of the association to be acquired as hereinafter provided is situated, in a book to be provided for such purpose, and a duplicate thereof filed in the office of the Secretary of State. Certificate.
Contents of.

SEC. 3. When a [the] certificate shall have been recorded and filed as aforesaid, the association mentioned therein shall be deemed legally incorporated and shall have and possess the general powers and privileges, and be subject to the liabilities of a corporation. Such association may adopt a common seal, and may sue and be sued in and by its corporate name in the courts of this State and of the United States, and a certified copy of its articles of association shall be *prima facie* evidence in all courts and proceedings of the organization of such association. The affairs and property of such association shall be managed by the trustees, who may make all necessary by-laws, rules and regulations for such purpose, subject to the ratification of a majority of the lot-owners, and who shall annually appoint from among their own number a president and vice-president, and also appoint a secretary and treasurer from members of the association other than the trustees, if deemed expedient so to do, said officers to hold their places for such term and under such conditions and requirements as the by-laws of the association may provide. When association deemed incorporated.

SEC. 4. Any association incorporated under this act may take by purchase, devise or gift, and hold within the county in which the certificate of its incorporation is recorded, not exceeding three hundred and twenty acres of land to be held and possessed by it, for the purposes mentioned in the first section of this act. The trustees may sell and convey, or lease the said lands, or any portion thereof, for such price, and upon such terms as they may deem advisable, and subject to such conditions and restrictions as may be imposed upon the same, by rules and regulations to be adopted Association may take and hold certain property.

by them, and inserted in, or annexed to conveyances of the same. Any such association may hold personal property to an amount not exceeding twenty thousand dollars, besides sums of money that may arise from the sale of lots or plots of land as hereinbefore provided.

Annual election,
notice of, etc.

SEC. 5. The annual election of trustees shall be held on the day prescribed in the certificate of incorporation, and at such hour and place as the trustees shall direct, notice of which election shall be given by publication for four successive weeks in some paper published in the county in which the real estate of such association is situated. And if there be no paper printed in such county then such notice shall be published as aforesaid in some newspaper printed in the city of Lansing, in this State. The trustees chosen at any election subsequent to the first shall hold their offices for one year, and until their successors are elected and qualified. The election shall be by ballot, and every person of full age, the owner or holder of one or more lots or plots purchased from the association or its grantees as hereinbefore provided, or the owner or holder of a sufficient number of shares as provided in the seventh section of this act, to entitle such person to vote according to the terms of the agreement authorized by said section, or if there are more than one owner or holder of any such shares, or of any such lot or plot, then such one of them as the majority of joint owners or holders shall designate to represent such shares or such lots or plots, may, either in person or by proxy, cast one vote for each one, or other number of shares as authorized and specified in said agreement, and one vote for each lot or plot by them owned or held as aforesaid; and the persons receiving a majority of all the votes given at such election, shall be declared duly elected as trustees to succeed those whose term of office expires: *Provided*, That in all elections after the first the trustees shall be chosen from among the owners of lots or plots. Vacancies in the office of trustee [trustees] or of president or vice-president may be filled in such manner as shall be prescribed by the by-laws of the association.

Term of office
of trustees.

Who entitled to
vote.

Proviso.

Proceeds of
sales of lots,
etc., how
appropriated.

SEC. 6. At least sixty per cent of the proceeds of all sales of lots and plots shall first be appropriated to the payment of the purchase money of the lands acquired by the association until the purchase money shall be paid, and the residue thereof, as also the proceeds of all sales thereafter made, shall be applied to the payment of the assessments and taxes against the lands of the association, and to the preserving, improving and embellishing such lands and the roads, avenues and walks thereon and leading thereto, and also to the erection of docks or landings where said lands may be situate upon any lake or river, and for quays or breakwaters, necessary to the preservation of such lands from the encroachment of the waters of such lakes or rivers, or for the construction of steam or other yachts for ferriage or pleasure purposes, and to defray the incidental expenses of the association: *Provided*, That any proceeds remaining after the payments aforesaid, and after providing in a reasonable manner

Proviso.

for expenses and improvements to be thereafter incurred and made, may, upon the vote of two-thirds of the trustees in favor thereof, be distributed among the owners of lots purchased from the association or to the grantees thereof; such distribution to be made proportionately among such lot-owners according to the sums originally paid for the lots or plots so owned or held by them to the association.

SEC. 7. Associations formed under the provisions of this act may agree with the person or persons from whom its lands, or any part thereof may be purchased, to pay for such lands as the purchase price thereof, any specified part or portion of the proceeds of all sales of lots and plots made from such lands, in which case the part or portion of such proceeds so agreed upon shall be first appropriated and applied to the payment of the purchase money of the lands so acquired, and the residue thereof shall be applied and distributed in all respects as provided in the last preceding section in respect to the residue of proceeds therein mentioned. The part or portion of the proceeds constituting the purchase price of the lands may be divided into as many equal shares as may be agreed upon between the association and the person or persons from whom the said lands are purchased; and the said shares shall entitle the owners thereof to such number of votes at any election for trustees of the association, and shall be transferable on the books of the association in such manner as shall also be agreed upon between the said parties. In all cases where lands shall be purchased and agreed to be paid for in the manner herein provided, the price for lots or plots specified in the agreement between the association and the person or persons from whom the said lands are purchased, shall not be changed without the written consent of a majority in interest of such persons, their heirs, representatives and assigns.

Association may make certain agreements with persons of whom land, etc., are purchased.

SEC. 8. Before proceeding to sell any lots or plots as hereinbefore provided, the trustees of the association shall cause to be made and filed, as required by the provisions of paragraph one thousand four hundred and seventy-three, chapter thirty-two, title ten, of Howell's Annotated Statutes of eighteen hundred and eighty-two and amendments thereto, a map of the grounds belonging to said association, which shall indicate by numbers all lots or plots intended to be sold, and all parks, park lots or reserves of any character intended for common use, by letter or name. Such map shall also show by name all roadways or avenues laid out upon the grounds of the association, but such roadways and avenues shall, in all respects, be deemed private ways, and only open to the public upon such conditions and restrictions and under such rules and regulations as the trustees shall prescribe.

Trustees to make and file map of grounds.

SEC. 9. All lots or plots sold shall be assessed and taxed to the owners and holders thereof, and sold in default of the payment of taxes, in like manner as provided by law for the taxation and sale of other real estate; and in case of any such sale the trustees of the association may purchase such lots or plots upon the

Lots or plots sold, to whom assessed, etc.

same terms and conditions, and with like effect as in case of individual or other bidders.

Report of
trustees.

Election may be
held at time
other than
designated.

SEC. 10. The trustees at each annual election shall make a report to the lot-owners of their doings and of the management and condition of the property and concerns of the association. If the annual election shall not be held on the day fixed in the certificate of incorporation, the trustees shall have power to appoint another day, not more than sixty days thereafter, and shall give public notice of the time and place as hereinbefore provided for the regular annual meeting for the election of trustees, and at such time the election may be held with like effect as if holden on the day fixed on in the certificate of incorporation. The term of office of the trustees chosen at such special election shall expire at the same time as they would have done in case said trustees had been elected on the day fixed by the certificate of incorporation.

Injury, etc., of
property a
misdemeanor.

Punishment.

SEC. 11. Any person who shall willfully destroy, injure or remove any statuery, fence, fountain, building or other structure placed on the grounds, or any dock, landing, quay, boat-house, or boat upon the waters upon which said grounds are located, the property of any association incorporated under this act, or of any individual member thereof, or who shall willfully cut or injure any trees, shrub or plant within the said grounds, shall be deemed guilty of a misdemeanor, and shall be liable on conviction thereof to a fine not exceeding twenty-five dollars, or in default of fine to imprisonment in the county jail for a period not exceeding thirty days, action for the enforcement of such penalty to be brought in the name of the People of the State of Michigan upon the complaint of the trustees of the association or an individual member thereof; and such offender shall also be liable in an action of trespass to be brought in the name of such association for all damages caused by such unlawful act or acts.

Association may
take, hold, etc.,
any property,
etc.

SEC. 12. Any association incorporated under this act may take by gift, devise or bequest, and hold any property, real or personal, in trust, to apply the income thereof, under the direction of the trustees of the association, for the improvement or embellishment of the ground or water-front of the association, or the erection, repair or preservation of any statuery, fountain, fence, buildings, docks, quays and landings erected or to be erected upon the same, or in planting trees, shrubs and flowers in the grounds of the association, or for the improvement or embellishment of such grounds in any other manner or form consistent with the design or purposes of the association, and as specified in such gift, devise or bequest.

Certain rights
not affected by
repeal, etc.

SEC. 13. This act may at any time be altered, amended or repealed, but such alteration, amendment or repeal shall not affect the rights of property of associations organized under it, nor of the individual members thereof, nor shall the dissolution of any such association take away or impair any remedy given for or against such corporation, its members or officers, for any

liability which shall have been previously incurred.

This act is ordered to take immediate effect.

Approved April 15, 1887.

[No. 70.]

AN ACT to provide for the incorporation of associations for the purpose of constructing, owning, controlling and leasing buildings for hotels, elevators or public halls.

SECTION 1. *The People of the State of Michigan enact*, That any five or more persons desiring to become incorporated for the purpose of constructing, owning and operating a building or buildings for a hotel, elevators or public halls, with stores and offices connected therewith, may, by complying with the provisions of this act, with their successors and assigns, become a body politic and corporate, under any name assumed by them in their articles of association: *Provided*, No two companies shall assume the same or a similar name. Five or more persons may become incorporated. Proviso.

SEC. 2. Such persons shall, under their hands and seals, make and subscribe articles of association, which shall be duly acknowledged, and shall state: Articles of association what to contain.

First, The name of such corporation ;

Second, Distinctly the purpose for which the corporation is formed ;

Third, The amount of capital stock and the number of shares thereof ;

Fourth, The names of the stockholders, their respective residences, and the number of shares held by each ;

Fifth, The place in this State where the office for the transaction of business shall be located ;

Sixth, The term of its existence, which shall not exceed thirty years ;

Seventh, The number of directors, which shall not be less than five nor more than nine, and the names of those who shall be directors for the first year.

SEC. 3. Before commencing business the directors shall cause said articles to be recorded in the office of the Secretary of State, who, upon recording the same, shall endorse the date and place of such record thereon, and return the said articles with such endorsement thereon to said directors, who shall thereupon cause the same to be recorded in the office of the county clerk of the county where such office is to be located. The record, or a certified copy of the same from such county clerk, shall be admissible in all courts and places, and shall be *prima facie* evidence of the regularity and due incorporation of said company. Articles to be recorded. Record, evidence.

SEC. 4. The directors of any such corporation shall choose from their number a president, secretary and treasurer, and may appoint such other officers and agents as their articles of association and by-laws require, who shall hold their offices until the directors shall appoint others in their place. The offices of sec- Officers of corporation.

retary and treasurer may be held by the same person. The directors for the time being shall have power to fill any vacancy which may happen in their board by any cause.

Subscriptions,
how called in.

SEC. 5. The directors may call in subscriptions to the capital stock of such corporation by installments in such portions [portion] and sums and at such times and places as they shall think proper by giving notice thereof, as the by-laws shall prescribe, and in case any stockholder shall neglect or refuse payment of any such installment for the space of thirty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholder may be sold by the directors at public auction at the office of the secretary of the corporation, 'giving at least thirty days' notice in some newspaper published in the county in which their office is located, of the time and place of such sale, and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses of such sale, and the residue, if any, shall be refunded to the owner thereof, and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought: *Provided*, That in case the proceeds of such sale shall not equal the amount due upon such stock and the expenses of such sale, then and in that case the corporation may sue for and recover such balance from such delinquent stockholder in an action of assumpsit in any court having cognizance of the action.

Proviso.

Quorum.

SEC. 6. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at each meeting of the stockholders, each share shall be entitled to one vote. Stockholders may appear and vote in person or by proxy.

Voting.

Election may be
held at other
than annual
meeting.

SEC. 7. If, from any cause, it shall happen that an election of directors shall not take place at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter, by giving thirty days' notice of the time and place of such election.

Books to be
open for
inspection.

SEC. 8. The books of such corporation, containing the accounts thereof, shall, at all reasonable times, be open for the inspection of any of the stockholders.

Limit of prop-
erty.

SEC. 9. Said corporation shall have power to acquire by purchase, gift, lease or otherwise, such real and personal property as may be necessary for the purpose of its business, not exceeding in value two million dollars. And such [said] corporation shall have power, and is hereby authorized, to erect such building or buildings upon its real estate, so owned, or leased, as may be necessary for the objects and purposes of its organization; and it may lease its buildings and property, or such parts thereof as may be necessary for such purposes, and such parts of its buildings or property as may not be necessary for the specific purpose of which such corporation was organized, may be sold or leased as the

Corporation
may erect build-
ings.

directors may deem proper. Said corporation shall also have power, when authorized by a majority vote of the stockholders present at any regular or special meeting, called as in the by-laws provided, to borrow money and secure the same by mortgage on its property, and the directors may adopt such by-laws and rules and regulations as may be necessary for the conduct and management of its business, not inconsistent with the provisions herein, or the laws of this State. Borrow money, etc.

SEC. 10. The stock of such corporation shall be deemed personal property, and shall be transferred only on the books of the company in such manner as the by-laws of such corporation shall prescribe; and such corporation shall at all times have a lien upon the stock or property of its members invested therein for all debts due from them to such corporation, which may be enforced by advertisement and sale in the manner herein provided for selling delinquent stock; and all purchasers at such sales [sale] shall be entitled to the rights of stockholders. Stock to be personal property.

SEC. 11. Service of any legal process against any corporation formed under this act may be made on the president or secretary thereof, and if they cannot be found in the county in which suit may be commenced, then such service may be made upon any one of the directors. Process, how served.

SEC. 12. All corporations formed under this act shall at all times be subject to all general laws in force relative to corporations. Subject to general laws.

This act is ordered to take immediate effect.

Approved April 15, 1887.

[No. 71.]

AN ACT authorizing the trustees of the Michigan asylum for the insane at Kalamazoo to deed to the city of Kalamazoo certain State lands in the said city of Kalamazoo for street purposes.

SECTION 1. *The People of the State of Michigan enact, That* for the consideration of five dollars to them in hand paid, the trustees of the Michigan asylum for the insane at Kalamazoo, Michigan, are hereby authorized for and in behalf of the State of Michigan to convey to the city of Kalamazoo for the purpose of extending Laura street to Asylum avenue in said city, the following described lands, to wit: Commencing at a point two rods north from the center post of section twenty-one, town two south, range eleven west, running thence west ten and four-tenths feet, thence southwesterly along the easterly line of Asylum avenue seventy-five and one-tenth feet, thence east forty-eight feet to the north and south quarter line of said section, thence four rods north to the place of beginning, containing eight rods of ground more or less: *Provided, That a clause shall* be inserted in said deed providing that at any time when said city shall cease to use such land for the purpose of a street the Trustees authorized to convey lands. For what purpose. Description of land. Proviso.

title thereto shall revert to the State.

This act is ordered to take immediate effect.

Approved April 15, 1887.

[No. 72.]

AN ACT to require prosecuting attorneys to appear and conduct criminal proceedings in the supreme court in certain cases, and to provide for the payment of extra compensation therefor.

Duty of prosecuting attorney to appear on behalf of people.

SECTION 1. *The People of the State of Michigan enact*, That in all criminal proceedings removed to the supreme court, by appeal or otherwise, it shall be the duty of the prosecuting attorney of the county from whence any cause is so removed to appear on behalf of the people therein, and with the advice and assistance of the Attorney General to conduct such cause in such court, and for his services in any such case, such prosecuting attorney shall, in addition to his regular salary, receive a reasonable compensation, including his expenses in traveling to and from and on his attendance in such court, to be ascertained and determined by the Board of State Auditors, and paid by the State out of any funds belonging to the State not otherwise appropriated: *Provided, however*, that the expense of printing any brief or argument prepared in any such case shall be paid by the county from whence the case is removed.

Compensation therefor.

Proviso.

This act is ordered to take immediate effect.

Approved April 15, 1887.

[No. 73.]

AN ACT to provide for the organization of log and timber insurance companies, to insure against the risks of navigation upon the great American lakes and the waters connected therewith, in towing or transportation of logs or timber, and to define their powers.

Not less than ten persons may form incorporation.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than ten, may associate together and form an incorporated company for the following purposes, to-wit: To make insurance on logs and timber against the risks of navigation upon the great American lakes and the waters connected therewith, in towing and transportation thereof.

Company may re-insure.

SEC. 2. Any company organized under this act shall have the power to effect re-insurance of any risks taken by them respectively.

Articles of association.

SEC. 3. Such persons so associating under the provisions of this act shall execute under their hands, and acknowledge before an officer authorized by law to take the acknowledgment of deeds, articles of association, which shall contain:

What to contain

First, The name of the company;

Second, The location of its principal office for the transaction of [its] business;

Third, The number and manner of electing its trustees or directors and officers;

Fourth, The date of holding its annual meeting, and the term of its existence, which shall not exceed thirty years;

Fifth, The amount of capital stock.

SEC. 4. Such persons shall file in the office of the Commissioner of Insurance the articles of association proposed to be adopted by them, which shall be examined by the Attorney General, and if found conformable to this act, and not inconsistent with the constitution and laws of this State, shall be certified by him to the Commissioner of Insurance, who shall thereupon make an examination, or cause one to be made by some disinterested person officially appointed by him for that purpose, and if it shall be found (if the examination be made by other than the Commissioner of Insurance, then the finding shall be certified under oath), that the percentage of the capital stock herein required has been paid in, then he shall so certify. The incorporators or officers of any such company, or proposed company, contemplated by this act, shall be required to certify under oath to the Commissioner of Insurance that twenty per cent of the capital stock has been paid in as required by this act. Such certificate shall be filed in the office of said Commissioner of Insurance, who shall thereupon deliver to such company a certified copy of the articles of association and of said certificate, which, on being filed in the office of the clerk of the county where the company is to be located, shall be its authority to commence business and issue policies; and such certified copy of the articles of association and of said certificate may be used in evidence for or against said company with the same force and effect as the original.

Where filed and by whom examined, etc.

Certificate of officers of company, where filed.

Commissioner of Insurance to deliver copy, etc.

Authority to commence business.

SEC. 5. The capital stock of any company organized under this act shall not be less than one hundred thousand dollars, in shares of one hundred dollars each. At least twenty per cent of such capital stock shall be paid in before such company shall be authorized to commence business.

Capital stock, etc.

SEC. 6. No company formed under this act shall, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandise or other commodity whatever except in logs or timber, which have been insured by such company, and are recovered after such insurance shall have been adjusted or paid.

Prohibited from trading, etc.

SEC. 7. The business and affairs of any corporation organized under this act shall be under the control and management of a board of directors to be selected as provided for by the articles of association.

Board of directors to control business.

SEC. 8. Any corporation organized under this act shall not insure any logs or timber for more than four-fifths of their actual cash value, at the place where insured.

Proportion of value insurable.

SEC. 9. The directors of any company organized under this act shall have power to make such by-laws, not inconsistent with their articles of association or with the laws of this State, as may

By-laws.

be deemed necessary for the government of its officers and the conduct of its affairs, and the same, when necessary, to alter and amend.

Dividends.

SEC. 10. Any company organized under this act shall, through its directors, declare an annual dividend out of the surplus profits arising out of their business, if any.

Annual statement, where deposited.

SEC. 11. It shall be the duty of the president or vice-president and secretary of each stock company organized under this act, annually, on the first day of January, or within one month thereafter, to prepare, under their own oath, and deposit in the office of the Commissioner of Insurance, a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items in the following form, namely:

What to exhibit.

**Amount of stock.
Property.**

First, The amount of the capital stock of the company;

Second, The property or assets held by the company, specifying:

1. The value, as nearly as may be, of the real estate held by such company;

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same are deposited;

3. The amount due the company on which judgments have been obtained, if any;

4. The amount due for premiums;

5. The amount of all other property and investments of the company.

Liabilities.

Third, The liabilities of such company, specifying:

1. The amount of losses due and yet unpaid;

2. The amount of claims for losses resisted by the company;

3. The amount of losses incurred during the year, including those claimed and not yet due, and of those reported to the company upon which no action has been taken, if any;

4. The amount of dividends declared and due and remaining unpaid;

5. The amount of dividends declared but not yet due, if any;

6. The amount of money borrowed and security given for the payment thereof;

7. The amount of unearned premiums, if any;

8. The amount of all other existing claims against the company.

Income the preceding year.

Fourth, The income of the company during the preceding year, specifying:

1. The amount of cash premiums received;

2. The amount of interest money received, if any;

3. The amount of income received from other sources.

Expenditures the preceding year.

Fifth, The expenditures during the preceding year, specifying:

1. The amount of losses paid during the year;

2. The amount of dividends paid during the year;

3. The amount of expenses paid during the year;

4. The amount paid in taxes;

5. The amount of all other payments and expenditures.

SEC. 12. The Commissioner of Insurance is hereby authorized

and empowered to address any inquiries to any insurance company formed under this act, or the secretary thereof, in relation to its doings or condition, or any other matter connected with its transaction, and it shall be the duty of any company so addressed to promptly reply in writing to any such inquiries. Every company organized under this act failing to make and deposit such statement, or to reply to any inquiries of the said Commissioner of Insurance, shall be subject to the penalty of five hundred dollars, and an additional one hundred for every month that such company shall continue thereafter to transact any business of insurance.

Commissioner of insurance may make enquiries, etc.

Penalty for failure of company to reply.

SEC. 13. Suits at law may be maintained by any corporation formed under this act against any of its members or stockholders for any cause relating to the business of such corporation; also, suits at law may be prosecuted and maintained by any member or stockholder against such corporation for any losses which may have accrued if payment is withheld more than sixty days after such losses may have become due.

Suits at law.

SEC. 14. All companies organized under this act shall be subject to all the provisions of the laws of this State in relation to corporations so far as the same are applicable.

Subject to laws of State, etc.

This act is ordered to take immediate effect.

Approved April 16, 1887.

[No. 74.]

AN ACT to amend section ten of act number two hundred and six of the session laws of eighteen hundred and seventy-seven, entitled "An act to authorize the incorporation of coöperative savings associations," approved May twenty-six, eighteen hundred and seventy-seven, being compiler's section number three thousand nine hundred and seventy of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact, That* section ten of act number two hundred and six of the session laws of eighteen hundred and seventy-seven, entitled "An act to authorize the incorporation of coöperative savings associations," approved May twenty-six, eighteen hundred and seventy-seven, being compiler's section number three thousand nine hundred and seventy of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Section amended.

(§3970.) SEC. 10. All arrangements for the liquidation of shares shall be made with a member of the corporation, upon security to be given, which security shall consist either of unencumbered real estate worth not less than twice the amount depending on such security, upon a bond or note and mortgage duly executed, acknowledged and recorded, or upon shares in said corporation upon estimates according to the dues actually paid thereon, or upon both such real estate security and such shares.

Liquidation of shares.

This act is ordered to take immediate effect.

Approved April 16, 1887.

[No. 75.]

AN ACT granting that corporations may be organized, the object of which shall be to unite the reputable pharmacists and druggists of the State of Michigan, for the purpose of improving the science and art of pharmacy, the elevation of its standard and the promotion, by legitimate means, of the practice of pharmacy among properly qualified persons of that profession.

One hundred or more pharmacists may become incorporated.

SECTION 1. *The People of the State of Michigan enact*, That any hundred or more persons who shall be qualified pharmacists within the meaning of act number one hundred and thirty-four of the session laws of eighteen hundred and eighty-five, or who shall have received the diploma or degree of any school of pharmacy legally empowered to confer such diploma or degree, who may desire to become incorporated for the purposes set forth in the title of this bill, may execute under their hands and acknowledge before some person within this State authorized to take acknowledgments of deeds, articles of agreement, which articles, as hereinafter specified, shall be filed and recorded in the office of the Secretary of State, and upon the execution and acknowledgment of such articles the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate for the purposes set forth in said articles.

Articles of association what to contain.

SEC. 2. The articles of such association shall contain:

First, The names and residences of the persons associating in the first instance;

Second, The name of such corporation and the period for which it is incorporated, not exceeding thirty years;

Third, The object for which it is incorporated;

Fourth, The number, names and duties of its regular officers;

Proviso.

Fifth, The terms and conditions of membership therein: *Provided*, That the terms and conditions of membership in such association after the incorporation thereof shall at all times conform to and be governed by the laws of this State, if any there may be regulating the practice of pharmacy.

Officers.

SEC. 3. The affairs of such corporation shall be managed by an executive committee and officers of the association, to be chosen for such period and in such manner as the by-laws of such association shall provide, and who shall hold their offices until their successors are chosen and qualified. All members of such corporation, except honorary members, shall be residents of the State of Michigan.

Members to be residents of this State.

Body corporate.

SEC. 4. The corporation so formed may sue or be sued, take by gift, purchase or devise property exclusive of that actually used and necessary for the transaction of its business, to an amount not exceeding ten thousand dollars; and may invest or manage the same in the interests of said association.

Limit of property.

Secretary to compile a printed report, etc.

SEC. 5. It shall be the duty of the secretary of any association organized under the provisions of this act to compile a printed report of the transactions of said association, including copies of

papers read at its meetings, reports of facts collected, discoveries made and experience gained, one copy of which said printed report shall be deposited in the office of the Secretary of State, one in the State library, one in the office of the State board of health, and at least one retained in the office of the association.

SEC. 6. All amendments, changes or modifications in the articles of agreement permitted by this act shall be filed and recorded in the office of the Secretary of State within sixty days after the adoption of the same by such association.

Changes, etc., of articles, when to be filed.

This act is ordered to take immediate effect.

Approved April 18, 1887.

[No. 76.]

AN ACT to prevent the destruction of fish in Pine Lake, lying within the townships of Jefferson and Howard, in Cass county.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful hereafter to take or catch, or kill any fish in the lake known as Pine Lake in the townships of Jefferson and Howard, in Cass county, for the term of eight years from the passage of this act, with the spear, net, or grab hook, or any kind of firearms or explosive material or other device except the hook and line.

Unlawful to take or kill fish during certain time and in certain ways.

SEC. 2. An person violating the provisions of this act shall, on the conviction thereof, be liable to a fine of not less than ten dollars, or imprisonment in the county jail not less than ten days, or both such fine and imprisonment, in the discretion of the court.

Punishment for violating.

This act is ordered to take immediate effect.

Approved April 18, 1887.

[No. 77.]

AN ACT relative to the confinement of convicted persons in the Detroit house of correction and the State house of correction and reformatory at Ionia.

SECTION 1. *The People of the State of Michigan enact*, That any court of criminal jurisdiction in this State shall have power, in the discretion of the court, to sentence any male person, convicted for the first time of any offense, rape, murder and treason excepted, punishable by imprisonment in the State prison, to imprisonment in the State house of correction and reformatory at Ionia or the Detroit house of correction, instead of the State prison, and every such person so sentenced shall be received into the said house of correction, and shall be kept and employed therein in the manner prescribed by law, and shall be subject to the rules and discipline of said house of correction: *Provided*, That no charge against any county nor the State shall be allowed for the maintenance of persons sentenced to said Detroit house

Certain persons may be sentenced to State house of correction at Ionia or Detroit house of correction.

Proviso.

Further
proviso.

of correction: *And provided further*, That on the discharge of prisoners at the expiration of their terms of imprisonment in said Detroit house of correction they shall be returned to their homes in the State, if known, at the expense of the Detroit house of correction.

This act is ordered to take immediate effect.

Approved April 19, 1887.

[No. 78.]

AN ACT to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic in this State, or the badge of the Loyal Legion of the United States.

Wearing G. A.
R. and other
badges, in
certain cases a
misdemeanor.

SECTION 1. *The People of the State of Michigan enact*, That any person who shall willfully wear the badge of the Grand Army of the Republic, or the badge of the military order of the Loyal Legion of the United States, or who shall use or wear the same to obtain aid or assistance thereby within this State, unless he shall be entitled to use or wear the same under the rules and regulations of the Department of Michigan Grand Army of the Republic, and the Michigan commandery of the military order of the Loyal Legion of the United States, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a term not to exceed thirty days in the county jail, or a fine not to exceed twenty dollars, or by both such fine or imprisonment, in the discretion of the court.

Punishment.

This act is ordered to take immediate effect.

Approved April 19, 1887.

[No. 79.]

AN ACT to amend section one of act number two hundred and sixty-three of the public acts of eighteen hundred and seventy-nine, entitled "An act to provide for the preparation, publication and distribution of a Legislative Manual," approved May thirty-first, eighteen hundred and seventy-nine.

Section
amended.

The People of the State of Michigan enact, That section one of act number two hundred and sixty-three of the public acts of eighteen hundred and seventy-nine, entitled "An act to provide for the preparation, publication and distribution of a Legislative Manual," approved May thirty-first, eighteen hundred and seventy-nine, be amended so as to read as follows:

Secretary of
State to publish
and distribute
manual.

What to con-
tain.

SECTION 1. *The People of the State of Michigan enact*, That hereafter the Secretary of State shall cause to be prepared and published biennially a legislative manual, to be distributed by him to the persons and officers hereinafter named. That said manual shall contain the constitution of the United States and the constitution of this State, with all amendments thereto;

maps showing the congressional, senatorial and representative districts and judicial circuits of the State, and the population of each as shown by the last preceding census; a railroad map of the State, and tables showing distances between stations on the railroad lines; the vote for Governor at the last preceding November election in the several counties by townships and wards, which information shall be returned to the Secretary of State by the several county clerks, on or before the fifteenth day of December next preceding a regular session of the Legislature; lists of the postoffices, newspapers and banking institutions in the State; the latest statistics of the educational, charitable, reformatory, and penal institutions of the State; the table of the valuation of the taxable property in the several counties of the State as fixed by the State Board of Equalization at their last preceding meeting; the rules and joint rules of the Senate and House of Representatives of this State; diagrams of the Senate Chamber and Representative Hall; the names, ages, occupations and residences of the members and officers of both Houses; the names and residences of the State officers and members of State boards, and principal officers of the State institutions; a list of the standing committees of both Houses of the Legislature; and such other matter as may be deemed essential. A sufficient number of copies of said manual shall be published to supply the members and officers of the Legislature in office at the time of the publication of said manual with one copy each; also a sufficient number of copies to supply the following persons and officers with one copy each, viz: Governor and State officers, members and officers of the next following Legislature, members of State boards, the principal officers of State institutions, Senators and Representatives in Congress from this State, United States circuit and district judges in this State, justices of the supreme court, and judges of the circuit and superior courts in this State, each newspaper published in the State, and the clerks regularly employed in the several State departments. That in addition to the foregoing there shall be published two thousand five hundred copies of said manual, one hundred copies of which shall be deposited in the State library for the use of said library, and for exchanges, twenty-two hundred copies of which shall be for distribution in such manner as may be directed by the Legislature in office at the time of publication; and the remaining two hundred copies shall be deposited in the office of the Secretary of State for sale by the Secretary of State at a fair price, not less than the actual cost thereof, and that the money received therefor shall be paid into the State treasury monthly.

County clerks to return vote for Governor.

Number of copies to be published.

Officers, etc., to be supplied.

Newspapers.

Additional copies.

For State library.
For distribution by legislature.

For sale.

This act is ordered to take immediate effect.

Approved April 21, 1887.

[No. 80.]

AN ACT making an appropriation for the Pioneer Society of the State of Michigan for the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight.

Appropriation.	SECTION 1. <i>The People of the State of Michigan enact</i> , That that there is hereby appropriated to the Pioneer Society of the State of Michigan, from the general fund, the sum of one thousand
Purposes of.	dollars, as follows: The sum of five hundred dollars for the year eighteen hundred and eighty-seven, and the sum of five hundred dollars for the year eighteen hundred and eighty-eight, which said sums of money shall be expended by said Pioneer Society in collecting, arranging and preserving a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary and other materials illustrative of and relating to the history of Michigan; to rescue from oblivion the memory of its early pioneers; to procure and preserve narratives of their early exploits, perils, privations, hardy adventures and noble achievements; to collect material of every description relative to the history, genius, progress or decay of our Indian tribes; to exhibit faithfully the past and the present resources of Michigan; but no part of such annual appropriation shall ever be paid for any service rendered by its officers to the society while in the discharge of their official duties.
Use of limited.	
Additional appropriation.	SEC. 2. There is hereby further appropriated to said Pioneer Society from the general fund the sum of four thousand dollars, as follows: The sum of two thousand dollars for the year eighteen
Purpose of.	hundred and eighty-seven, and the sum of two thousand dollars for the year eighteen hundred and eighty-eight, or as much thereof as shall be necessary to publish two volumes of historical and other material relative to and illustrative of the history of Michigan. Said Pioneer Society shall collect, arrange and prepare the materials for said volumes for printing, which shall be printed by the State printer, under the direction and superintendence of said Pioneer Society, and said volumes shall not contain more than seven
Size of volume, etc.	hundred and thirty pages each, and shall be printed and published in kind of type, quality of paper, style of binding and printing similar to the "Pioneer Collections" heretofore published by said Pioneer Society; and said Pioneer Society shall not publish or issue more than three thousand copies of each of said volumes published as provided for in this act.
Number of copies.	
Disposition of.	SEC. 3. Five hundred copies of each volume published, as heretofore in this act provided for, shall be deposited in the State library of Michigan for exchange with the pioneer and historical societies of domestic and foreign States and Governments; and the officers of said Pioneer Society shall make a further distribution of one copy of each of said volumes to each of the duly and legally incorporated public libraries in the State of Michigan when authoritatively and officially requested so to do by the legally elected officers or other legally constituted managers of said public libraries,

and the residue and remainder of said copies of said volumes shall be delivered to and be in the custody and care of the State librarian, to be sold by said librarian at a price not less than seventy-five cents per copy, and the moneys arising from such sales shall be deposited in the State treasury to the credit of the general fund.

SEC. 4. The moneys appropriated by this act shall be drawn from the State treasury upon the warrant of the Auditor General whenever he shall be requested to issue such warrant by the proper officer or officers of said Pioneer Society, subject to the requirements of the laws in regard to filing vouchers and accounts.

This act is ordered to take immediate effect.

Approved April 22, 1887.

[No. 81.]

AN ACT to amend section five hundred and three of the compiled laws of eighteen hundred and seventy-one, being section five hundred and eleven of Howell's Statutes as amended by act number one hundred and thirty-four of the session laws of eighteen hundred and eighty-three, being an act relative to the election of county auditors for the county of Wayne.

SECTION 1. *The People of the State of Michigan enact*, That section five hundred and three of the compiled laws of eighteen hundred and seventy-one, being section five hundred and eleven of Howell's Statutes as amended by act number one hundred and thirty-four of the session laws of eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

SEC. 511. There shall continue to be a board of county auditors for the county of Wayne, composed of three persons, one of whom shall be elected annually at the general election in said county, if such election be held; and if there be no such election held, then said auditor shall be elected by the board of supervisors of said county, as follows: Said election shall be held at the hour of ten o'clock A. M. on the second day of the annual meeting of the board of supervisors in said county; said supervisors shall elect said auditor by a *viva voce* vote of each supervisor, such supervisor as his name is called by the clerk announcing the name of the person for whom he votes, and the person receiving the majority of all the votes of all the members constituting said board of supervisors shall be deemed duly elected, and a certificate of said election, signed by the chairman and clerk of said board of supervisors, shall be forwarded by the clerk to the person so elected within ten days after said election, and a duplicate of said certificate of election, showing the number of votes given and the persons for whom they were given, shall be deposited in the office of the clerk of said county of Wayne within one week after said election. Each person so elected, whether at general election or by the board of supervisors, shall hold his office for the term of three years, and until his successor shall be

How money to be drawn.

Section amended.

Board of county auditors.

Election of.

Manner of electing.

Certificate of election.

Term of office.

elected and qualified; and two of such auditors shall be residents of the city of Detroit.

Approved April 22, 1887.

[No. 82.]

AN ACT concerning the testimony of minors.

Court to examine minors.

Testimony may be given without oath.

SECTION 1. *The People of the State of Michigan enact*, That whenever a child under the age of ten years is produced as a witness, the court shall by an examination made by itself publicly, or separate and apart, ascertain to its own satisfaction whether such child has sufficient intelligence and sense of obligation to tell the truth to be safely admitted to testify; and in such case such testimony may be given on a promise to tell the truth instead of upon oath or statutory affirmation, and shall be given such credit as to the court or jury, if there be a jury, it may appear to deserve.

Approved April 22, 1887.

[No. 83.]

AN ACT to provide for the incorporation of Lodges of the Ancient Order of United Workmen.

Incorporation authorised.

Who may incorporate.

Articles of association, what to set forth.

Corporate name.

Object.

Acknowledgment and filing of copy.

SECTION 1. *The People of the State of Michigan enact*, That grand lodges and subordinate lodges of the Ancient Order of United Workmen of the State of Michigan may be incorporated in pursuance of the provisions of this act.

SEC. 2. Any ten or more persons, residents of this State, being members of a grand lodge of the Ancient Order of United Workmen of the State of Michigan, that has been duly chartered by the supreme lodge of the said order, and including in their number the grand master workman, the grand recorder and the grand receiver of said grand lodge, desiring to become incorporated, may make and sign articles of association, setting forth their names, official titles, and place of residence, the corporate name by which the association shall be known in the law, the place of its business office, the period for which it is incorporated, not exceeding thirty years, and the purposes of the association, which shall be to promote the general welfare of the fraternity known as the Ancient Order of United Workmen, to improve the mental, moral and social condition of the members of said fraternity, and to provide for the relief of the families and heirs of deceased members of the said fraternity.

SEC. 3. Such articles of association shall be acknowledged before a notary public, and a copy thereof shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors,

shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to sue and be sued, to have a common seal, which may be altered or changed at their pleasure, to receive, hold and enjoy, for themselves and their successors, estates, real and personal, and to give, grant, sell, lease, demise and dispose of such estates: *Provided*, That such real estate, and the proceeds, rents, and incomes thereof shall be devoted exclusively to the charitable and benevolent purposes of the fraternity known as the Ancient Order of United Workmen. Said corporation shall have full power to make and establish rules, regulations and by-laws not repugnant to the constitution and laws of the United States or of this State, of the supreme lodge of the Ancient Order of United Workmen, and to designate, elect or appoint, from its members, such officers, under such name and style as shall be in accordance with the constitution and laws of said supreme lodge. And said corporation shall have power to create, hold and disburse beneficiary, relief, general or other funds for the benefit of sick or disabled members, or of the families and heirs of deceased members of subordinate lodges of the Ancient Order of United Workmen; to enter into arrangements or agreements with the supreme lodge, or with the supreme lodge relief board, whereby, in the event of an unusual number of deaths occurring in any one year among the members of the lodges subordinate to the jurisdiction of said grand lodge, or of any other grand lodge, or of the supreme lodge of the said order, said grand lodge may afford aid from its relief fund, or may itself receive aid, as the case may require; and to levy assessments upon the members of subordinate lodges for the purpose of raising the beneficiary, relief, general or other funds, and of carrying out such arrangements with the supreme lodge or with the supreme lodge relief board: *Provided*, That nothing in this section shall be construed as giving to a grand lodge power to make assessments for the purpose of paying sick benefits.

SEC. 4. A copy of the record of such articles of association under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation.

SEC. 5. Such corporation, when formed shall have power to institute and charter subordinate lodges within this State, and from time to time to make, ordain, constitute and establish such general laws and by-laws, ordinances and regulations, for the government of such subordinate lodges not repugnant to law or to the constitution and regulations of the grand lodge, or of the supreme lodge, as shall seem to it necessary and proper, and in case of non-compliance with such general laws, by-laws, ordinances, and regulations, to revoke and annul the charter granted to any such subordinate lodge: *Provided, however*, That the existing subordinate lodges heretofore duly chartered by the grand lodge of Michigan, or the supreme lodge, shall be subject

Body corporate.

Common seal.

Proviso.

Rules, by-laws, etc.

Officers.

Beneficiary funds.

Assessments.

Proviso.

Copy of record as evidence.

May charter subordinate lodges.

Proviso.

to the control of the said grand lodge as heretofore, and in the same manner and to the same extent as those which may hereafter be chartered under this act.

Who may make and sign articles of association.

SEC. 6. Any ten or more persons, residents of this State, being members in good standing of any subordinate lodge of the Ancient Order of United Workmen, and including in their number the master workman, the recorder and the receiver of such lodge, duly chartered by a grand lodge of this State or by the supreme lodge, desiring to become incorporated, may make and sign articles of association, specifying as provided in the second section of this act.

Acknowledgment of articles of association, etc.

SEC. 7. Such articles shall be acknowledged before a notary public, and a copy thereof shall be filed with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to sue and be sued, to have a common seal, which may be altered or changed at their pleasure, to purchase, take, receive, hold and enjoy, for themselves and their successors, estates, real and personal, and to give, grant, sell, lease, demise and dispose of such estates: *Provided*, That the value of such real estate, exclusive of the building authorized by the ninth section of this act, shall not exceed the sum of five thousand dollars, and that the proceeds, rents and incomes thereof shall be devoted exclusively to the charitable and benevolent purposes of the fraternity known as the Ancient Order of United Workmen.

Proviso.

Copy of record as evidence.

SEC. 8. A certified copy of the records [record] of such articles of association, under the seal of the county where the record is kept, shall be received as *prima facie* evidence in all courts in this State of the existence and due incorporation of such corporation.

What corporations may erect and own buildings.

SEC. 9. Any corporation other than a grand lodge formed in pursuance of this act, may erect and own such edifice, building or hall as it shall deem proper, with convenient rooms for the meetings of lodges of the order, and for that purpose may create a capital stock of not more than fifty thousand dollars, to be divided into shares of not more than one hundred dollars each.

What lodges may surrender their corporate rights, etc.

SEC. 10. Any grand or subordinate lodge which shall have been incorporated before this act takes effect as a law, under the provisions of chapter one hundred and eighteen of the general statutes of the State of Michigan in force, compiled and annotated by Andrew Howell, entitled. "An act to provide for the incorporation of coöperative and mutual benefit associations," approved April third, in the year of our Lord eighteen hundred and sixty-nine, may by a vote of the members of such lodge at any regular meeting thereof, surrender its corporate rights, powers and liabilities, but such surrender shall not in any manner affect any suits which may be pending, or any rights which any

person may have acquired by virtue of such incorporation; but before such surrender shall be valid, a certificate of the proper officers, under the seal of such lodge, shall be filed with the Secretary of State, and also with the county clerk of the county in which such lodge may be, certifying that such lodge has voted to surrender its corporate rights; and any such lodge having so surrendered its corporate rights may be again incorporated, in conformity with the provisions of this act: *Provided*, That all members of the corporate body that has surrendered its corporate rights, shall by virtue of such re-incorporation and the payment of the first beneficiary assessment made by the re-incorporated body be entitled to all the rights and benefits flowing therefrom, and the beneficiary certificate [certificates] held by them shall be treated and considered by the re-incorporated body as of its own issuance, and shall be, so far as the member is concerned, of the same force and effect as if issued by the re-incorporated body. Proviso.

SEC. 11. Corporations formed in pursuance of this act shall not be considered as engaged in the business of life insurance, nor shall they be subject to the provisions of the statutes relating to life insurance or mutual benefit companies, associations or corporations. Corporations not engaged in the business of life insurance.

This act is ordered to take immediate effect.

Approved April 22, 1887.

[No. 84.]

AN ACT to amend section fourteen of chapter one hundred and ninety-six of Howell's Annotated Statutes of Michigan, being compiler's section five thousand and ninety-one, relative to apportionment of one-mill tax.

SECTION 1. *The People of the State of Michigan enact*, That section fourteen, of chapter one hundred and ninety-six of Howell's Annotated Statutes of Michigan, being compiler's section five thousand and ninety-one, be and the same is hereby amended so as to read as follows: Section amended.

(§5091). SEC. 14. The supervisor shall also assess upon the taxable property of his township one mill upon each dollar of the valuation thereof in each year, and report the aggregate valuation of each district to the township clerk, who shall report said amount to the director of each school district in his township, or to the director of any fractional school district, a portion of which may be located in said township, before the first day of September of each year; and all moneys so raised shall be apportioned by the township clerk to the district in which it was raised, and all money collected by virtue of this act during the year on any property not included in any organized district, or in districts not having, during the previous school year, three months' school in districts having less than thirty children, or five months' school in districts having thirty, and less than eight hundred children, or nine months' school in districts having eight hundred or more Assessment of one-mill tax.

Moneys to be apportioned by town clerk.
How.

In township
where no
districts are
formed.

children, as shown by the last school census, shall be apportioned to the several other school districts of said township in the same manner as the primary school interest fund is now apportioned. All moneys accruing from the one-mill tax in any township before any district shall have a legal school therein shall belong to the district in which it was raised when they shall severally have had a three months' school by a qualified teacher.

Approved April 22, 1887.

[No. 85.]

AN ACT to amend sections twenty-one and twenty-two of chapter twenty-two of the compiled laws of eighteen hundred and seventy-one, being compiler's sections twelve hundred and sixty-two and twelve hundred and sixty-three of Howell's Annotated Statutes of Michigan, relative to hawkers and peddlers.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-one and twenty-two of chapter twenty-two of the compiled laws of eighteen hundred and seventy-one, being compilers sections twelve hundred and sixty-two and twelve hundred and sixty-three of Howell's Annotated Statutes of Michigan, relative to hawkers and peddlers, be and the same are hereby amended so as to read as follows:

Peddling, etc.,
without license,
a misdemeanor.

(§1262.) SEC. 21. Every person who shall be found traveling and trading, or soliciting trade within the limits of this State, contrary to the provisions of this chapter, or contrary to the terms of any license that may have been granted to him as a hawker or peddler shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for a period not exceeding three months, or by both such fine and imprisonment, in the discretion of the court before which the conviction may be had.

Punishment
therefor.

Construction of
chapter.

(§1263.) SEC. 22. Nothing contained in this chapter shall be construed to prevent any manufacturer, farmer, mechanic or nurseryman from selling his work or production, by sample or otherwise, without license, nor shall any wholesale merchant be prevented by anything herein contained from selling to dealers by sample, without license, but no merchant shall be allowed to peddle, or to employ others to peddle, goods not his own manufacture, without the license in this chapter provided.

Approved April 23, 1887.

[No. 86.]

AN ACT to amend section four of an act entitled "An act creating a bureau of labor and industrial statistics, and defining the powers and duties of the same," approved June sixth, eight-

een hundred and eighty-three, as amended by act number one hundred and eighty-nine of the laws of eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section four of an act entitled “An act creating a bureau of labor and industrial statistics, and defining the powers and duties of the same,” approved June sixth, eighteen hundred and eighty-three, as amended by act number one hundred and eighty-nine of the laws of eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

SEC. 4. The compensation of such commissioner shall be two Salaries of commissioner and deputy.
 thousand dollars per annum, and that of his deputy fifteen hundred dollars per annum, which compensation, together with all necessary expenses, including the employment and paying the Other expenses.
 expenses of such assistants as are provided for in section one of this act, also the expenses provided for in section three of this act, shall be audited and paid in the same manner as the salaries and How provided for and paid.
 expenses of other State officers: *Provided*, The amount thereof, Proviso.
 exclusive of the compensation allowed to said commissioner and his said deputy, shall not, in any one year, exceed the sum of six thousand dollars: *And provided further*, That in addition to Further proviso as to expenses, etc.
 the above allowance for expenses, said bureau shall be authorized to have printed not to exceed four thousand copies of its annual reports for the use of the bureau for general distribution, and all printing, binding, blanks, stationery, or map work, shall be done or furnished under any contract which the State now has, or shall have, for similar work or supplies with any party or parties, and the expenses thereof shall be audited and paid for in the same manner as other State printing or supplies.

Approved April 26, 1887.

[No. 87.]

AN ACT making appropriations for the current expenses of the State Normal School for the years one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight.

SECTION 1. *The People of the State of Michigan enact, That* Appropriation.
 the State Treasurer shall transfer from the general fund to the Normal School interest fund the sum of thirty-eight thousand one hundred and seventy-eight dollars for the year one thousand eight hundred and eighty-seven, and the sum of thirty-eight thousand one hundred and seventy-eight dollars for the year one thousand eight hundred and eighty-eight, which sums are hereby appropriated for the current expenses of the State Normal School for Current expenses.
 the years above named, and shall be drawn from the treasury on the presentation of properly certified requisitions of the State board of education to the Auditor General, and on his warrant upon the State Treasurer: *Provided*, That the sum of one How drawn.
 thousand five hundred dollars of said amount shall be used Proviso.
 annually for the Normal library, and for no other purpose.

Tax for.

SEC. 2. The Auditor General shall incorporate in the State tax for the year one thousand eight hundred and eight-seven, the sum of thirty-eight thousand one hundred and seventy-eight dollars, and in the State tax for the year one thousand eight hundred and eighty-eight the sum of thirty-eight thousand one hundred and seventy-eight dollars, which tax, when collected, shall be credited to the general fund to reimburse the same for the sums to be drawn therefrom, as provided in section one of this act.

This act is ordered to take immediate effect.

Approved April 26, 1887.

[No. 88.]

AN ACT to amend section one of act number one hundred and forty-seven of the session laws of eighteen hundred and eighty-five, entitled "An act to provide for the introduction and use on all cars owned and operated by any railroad company or other corporation doing business in this State, of some form of automatic car coupling, by means of which all cars may be coupled and uncoupled without the necessity of the brakeman or any other person passing between the cars."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number one hundred and forty-seven, of the session laws of eighteen hundred and eighty-five, entitled "An act to provide for the introduction and use on all cars owned and operated by any railroad or other corporation doing business within this State, of some form of automatic car coupling, by means of which all cars may be coupled and uncoupled without the necessity of the brakeman or any other person passing between the cars," be and the same is hereby amended so as to read as follows:

Safety couplers required to be used.

SECTION 1. *The People of the State of Michigan enact*, That on and after the first day of July, one thousand eight hundred and eighty-six, every railroad company owning or operating any portion of a railroad wholly or partly in this State shall cause to be placed upon each end of every freight car thereafter constructed, purchased or leased, for use in this State, by such corporation, or which may be sent to the shops for general repair or for repair of the coupling fixtures thereof, some form of safety coupler or safety coupling device, by which the cars can be coupled and uncoupled from either side of the train without the necessity of going between the cars, and which will couple with other forms of safety coupler, and with the ordinary link and pin coupler: *Provided*, That no coupler or device for coupling of cars shall be adopted for use by any railroad company owning or operating any railroad wholly or partly within this State until approved by the Commissioner of Railroads: *Provided further*, That no freight car shall be run upon any of the railroads within this State after the first day of January, eighteen hundred and

Proviso.

Further proviso.

ninety-one, unless furnished with safety couplers as provided by this act.

This act is ordered to take immediate effect.

Approved April 26, 1887.

[No. 89.]

AN ACT to amend section twenty-three of chapter two hundred and twenty-five of the compiled laws of eighteen hundred and seventy-one, entitled "Informations in the nature of a *quo warranto*, and in certain other cases," being compiler's section number eighty-six hundred and fifty-seven of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-three of chapter two hundred and twenty-five of the compiled laws of eighteen hundred and seventy-one, entitled "Informations in the nature of a *quo warranto*, and in certain other cases," being compiler's section number eighty-six hundred and fifty-seven of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows: Section amended.

(§8657.) SEC. 23. Whenever it shall be found or adjudged that any corporation against which an information in the nature of a *quo warranto* shall have been filed, has, by any misuser, non-user or surrender, forfeited its corporate rights, privileges and franchises, judgment shall be rendered that such corporation be ousted and altogether excluded from such corporate rights, privileges and franchises, and that the said corporation be dissolved; or, in lieu of such judgment (except in case of such surrender), the court may impose a fine not exceeding ten thousand dollars upon said corporation; but such fine shall not prevent further prosecution for any continuance or repetition of the conduct complained of, to be had on like leave of the court first had and obtained. Judgments against corporation.
Court may impose fine in lieu of.

Approved April 26, 1887.

[No. 90.]

AN ACT to amend section one of an act entitled "An act to provide wives with property and maintenance from their husbands' estate when neglected or deserted by them," approved April twenty-fourth, eighteen hundred and seventy-three, being consecutive section six thousand two hundred and ninety-one, of the general statutes of Michigan in force, compiled and annotated by Andrew Howell, as amended by act number one hundred and forty-nine of the public acts of the State of Michigan of eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to provide wives with prop- Section amended.

erty and maintenance from their husbands' estate when neglected or deserted by them," approved April twenty-fourth, eighteen hundred and seventy-three, being consecutive section six thousand two hundred and ninety-one of the general statutes of Michigan in force, compiled and annotated by Andrew Howell, as amended by act number one hundred and forty-nine of the public acts of the State of Michigan of eighteen hundred and eighty-five, be and the same is hereby amended to read as follows:

Alimony in case wife is deserted or neglected by husband.

SECTION 1. Whenever a husband shall, without good and sufficient cause, desert his wife, or shall have deserted his wife, or being of sufficient ability to support her, shall, without good and sufficient cause, refuse or neglect to properly provide for and suitably maintain her, being a resident of this State, the circuit court in chancery of any county in this State in which said husband or wife shall reside, shall, on the application of the wife by petition, allot, assign, set apart and decree to her as alimony, the use of such part of her husband's real and personal estate, or such proportion of his earnings, income, or revenue, as the court may determine, in its discretion, and during the pendency of the proceeding may require the husband to pay such sums to carry on the proceeding, or for her support as it shall deem necessary, in like manner as provided by section four thousand seven hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, in case of suits for divorce: *Provided*, That no decree shall be made in favor of the petitioner, unless on the hearing, such a state of facts shall appear as would entitle her to a decree of divorce upon the ground of desertion, or of failure to support, or a decree for support and maintenance on a bill praying for divorce, save and except as to the facts recited in section six thousand two hundred and thirty-two of Howell's Annotated Statutes, and as to the term of desertion required by section six thousand two hundred and twenty-nine of Howell's Annotated Statutes, and the husband shall be permitted to allege in his answer to the petition any facts which would prevent or bar a divorce or decree for support and maintenance on a bill praying for divorce save and except as to the facts recited in said section six thousand two hundred and thirty-two, and the term of desertion as aforesaid, and to make proof of the same in conformity with such answer: *And provided further*, that an appeal from the final order or decree may be taken to the supreme court as in other chancery cases.

proviso when no decree shall be made in favor of petitioner.

Further proviso as to appeal.

Approved April 26, 1887.

[No. 91.]

AN ACT to authorize the formation of corporations for the purpose of improving rivers which form, in whole or part, the boundary between this and any adjoining State, and their tributaries, and for driving, sorting, holding and delivering logs thereon.

SECTION 1. *The People of the State of Michigan enact, That* any number of persons, not less than five, may be formed into a corporation to improve any river and its tributaries which form, in whole or part, the boundary between this and any adjoining State, for the purpose of driving, sorting, holding and delivering logs thereon, and for such purpose only. Not less than five may form corporation.

SEC. 2. Such persons, under their hands and seals, shall make a certificate which shall specify: Certificate, what to contain.

First, The purpose for which the corporation is formed and the name of the rivers proposed to be improved;

Second, A statement of the amount of capital stock of such company and the number of shares into which the capital stock shall be divided;

Third, The names and residences of the stockholders and the number of shares held by each of them respectively;

Fourth, The amount of capital stock actually paid in;

Fifth, The names of the first directors, being not less than three nor more than nine;

Sixth, The place in this State where their office for the transaction of business is located;

Seventh, The term of existence of such corporation, which shall not exceed thirty years, which certificate shall be acknowledged as deeds are required to be acknowledged and recorded in the office of the clerk of the county in which the office of said company for the transaction of business is located, and a duplicate thereof filed in the office of the Secretary of State. How acknowledged.

SEC. 3. Upon complying with the provisions of the last preceding section, such company shall be a body corporate by the name designated in said certificate, and as such shall be capable of suing and being sued in all courts, and may have a common seal, may elect in such manner as hereinafter provided all necessary officers, and determine their duties, and make, from time to time, such by-laws, not inconsistent with the constitution and laws of this State, as a majority of the stockholders shall direct. Body corporate

SEC. 4. Every such corporation shall annually, in the month of January, make a report, signed by its president and secretary, containing: Annual report, what to contain.

First, The amount of capital stock actually paid in;

Second, The amount invested in real and personal estate;

Third, The amount of their debts and credits, as near as may be;

Fourth, The name of each stockholder and the number of shares held by him at the date of such report; and every such report shall be verified by the oath of the officers signing the same, and shall be filed with the secretary of the association, and also in the office of the county clerk of the county in which the office of said association shall be located, and open at all reasonable times for the examination of any and all stockholders. How verified and where filed.

SEC. 5. The amount of the capital stock of every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall be divided into shares of one hundred Capital stock and shares.

dollars each, ten per cent of which shall be paid in. The capital stock and the number of shares may be increased at any meeting of the stockholders called for that purpose.

First meeting,
notice of, etc.

SEC. 6. When any corporation shall be formed under this act, any two of those associated may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof by publishing the same in some newspaper published in the county where the office of such corporation is located, at least fifteen days before the time appointed for such meeting, or by personal service of like notice upon each of the stockholders ten days before the time fixed for said meeting.

Business and
property man-
aged by board of
directors.

SEC. 7. The business and property of said company shall be managed by a board of directors of not less than three nor more than nine directors, who, after the first year, shall be elected annually as the by-laws of said company shall direct; and public notice shall be given of the time and place of holding such election as the by-laws of said company may direct. Such board of directors, when elected, shall choose from their number a president, secretary and treasurer, who shall hold their respective offices for the term of one year, and such board of directors may appoint such other officers and agents as their articles of association or their by-laws may require, who shall hold their respective offices during the pleasure of the directors.

Officers.

Quorum.

SEC. 8. A majority of the directors of every such corporation convened according to the by-laws shall constitute a quorum for the transaction of business, and those holding a majority of the stock at any meeting of the stockholders shall be capable of transacting the business of the meeting, and at each meeting of the stockholders each share of stock shall be entitled to one vote. Stockholders may appear and vote in person or by proxy.

Voting.

Corporation
may hold
property.

SEC. 9. Every such corporation shall, by their corporate name, have powers to acquire, use and hold all such works and improvements, and all such real and personal property as may be necessary or suitable for the purposes of such corporation, and to take or flow lands or property in the construction of the works or improvements hereby authorized.

How lands may
be acquired
when no agree-
ment can be
made.

SEC. 10. Whenever any such corporation shall desire to take or flow any lands or property in the construction of the works or improvements authorized by this act, when no agreement can be made with the owners thereof, the like proceeding shall be had and taken as is provided in an act entitled "An act to provide for the formation of companies to construct plank roads, approved April eight, one thousand eight hundred and fifty-one, and the acts amendatory thereto."

Power of cor-
poration to im-
prove rivers,
etc.

SEC. 11. Any such corporation formed for the improvement of any boundary river in whole or part and any of its tributaries, and for driving, sorting, holding and delivering logs thereon, which shall have taken prior possession of such boundary river for that purpose, shall have power to improve such river and its tributaries by clearing and straightening the channels thereof, closing sloughs, erecting sluiceways, booms of all kinds, side rolling and

flooding dams, driving piles and erecting piers or otherwise, as may be necessary or suitable for the purpose aforesaid. Every such corporation which shall so improve a boundary river or any of its tributaries for the purpose of driving logs thereon, and keep in repair and operate its works, may charge and collect reasonable and uniform tolls upon all logs, lumber and timber driven or floated on the same, and may take possession of all logs put into such stream or upon roll-ways so as to impede the drive, when the owners thereof or their agents shall not have come upon the stream adequately provided with men, teams and tools for breaking roll-ways and driving such logs in season for making a through drive down such stream without hindering the main drives; and shall, also, at the request of the owner of any logs and timber put into said stream, take charge of the same and drive the same down and out of such stream, and charge and collect therefor of the owner or party controlling said logs and timber reasonable charges and expenses for such services; and such corporation shall for all such tolls, costs and expenses, have a lien on the logs for which the same were incurred and shall be entitled to retain possession of such logs or timber, or so much thereof as may be necessary to satisfy the amount of such tolls, costs and all expenses for taking care of the same until the same shall be determined, satisfied and paid in the manner hereinafter prescribed.

May collect uniform toll on logs, etc.

May take charge of logs, etc.

Have lien on logs for toll, etc.

SEC. 12. Any such corporation claiming any lien as provided for in the preceding section, may recover the amount of such lien in the manner provided in sections seventeen and eighteen of an act entitled "An act to authorize the formation of corporations for the running, booming and rafting of logs," approved February four, eighteen hundred and sixty-four.

Amount of lien, how recovered.

SEC. 13. Any corporation formed under this act and any corporation of an adjoining State created for any similar or kindred purpose upon the same river may consolidate their stock, property and franchises in the manner and upon the terms agreed upon by the respective corporations, and such consolidated corporations shall possess and have authority to exercise all the rights, privileges and franchises granted by this act: *Provided*, That no such consolidation shall be made without the assent of the holders of three-fourths of the capital stock of the consolidating companies: *And provided further*, That in case of any consolidation of corporations under this act, such consolidated corporations shall have power to assume a name, fix their capital stock, which shall in no case exceed the joint capital of the corporations so consolidated, to fix the number of its directors, which shall be not less than three nor more than nine, to adopt a common seal and to fix its term of existence, which shall not exceed thirty years from the date of such consolidation, and such articles of consolidation, when duly executed and filed in the office of the Secretary of State, or a certified copy thereof, shall be *prima facie* evidence in all courts of the existence of such consolidated company.

May consolidate with corporations of adjoining State.

Provide.

Further proviso as to name, stock, etc.

This act is ordered to take immediate effect.

Approved April 26, 1887.

[No. 92.]

AN ACT to amend section eleven of chapter four, act number one hundred and sixty-four, session laws of eighteen hundred and eighty-one, being section five thousand and eighty-eight of Howell's Annotated Statutes, relating to the duties of township clerks in apportioning school moneys.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section eleven, of chapter four, of act number one hundred and sixty-four, session laws of eighteen hundred and eighty-one, being compiler's section five thousand eighty-eight of Howell's Annotated Statutes of Michigan, relative to the duties of township clerks in apportioning school moneys, be and the same is hereby amended so as to read as follows:

To apportion
school moneys
received from
county treasurer.

SEC. 11. On receiving notice from the county treasurer of the amount of school moneys apportioned to his township the township clerk shall apportion the same amount to the several districts therein entitled to the same in proportion to the number of children in each between the ages of five and twenty years, as the same shall be shown by the annual report of the director of each district for the school year closing prior to the May apportionment.

Approved April 27, 1887.

[No. 93.]

AN ACT to amend and alter section fourteen of act number thirty-nine of the public acts of eighteen hundred and eighty-three, entitled "An act to authorize the formation of corporations for the purpose of excavating, constructing, and maintaining water-courses with water power appurtenant thereto, for accumulating, storing, conducting, selling, furnishing and supplying, upon an agreed rental, water and water-power for mining, milling, manufacturing, domestic, municipal and agricultural purposes," and for holding and conveying lands adjacent to said water-course, or within convenient distance thereof.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section fourteen of act number thirty-nine of the public acts of eighteen hundred and eighty-three, entitled "An act to authorize the formation of corporations for the purpose of excavating, constructing, and maintaining water-courses with water-power appurtenant thereto, for accumulating, storing, conducting, selling, furnishing and supplying, upon an agreed rental, water and water-power for mining, milling, manufacturing, domestic, municipal and agricultural purposes," and for holding and conveying lands adjacent to said water-course or within convenient distance thereof, be and the same is hereby amended and altered so as to read as follows:

SEC. 14. Each and every company formed under this act shall have authority to purchase and hold land adjacent to or within convenient distance of any canal constructed under the provisions of this act, for the purpose of platting and selling to manufacturers, their operatives, or to other persons, and shall have authority to lease, mortgage, or otherwise dispose of real or personal property: *Provided*, That no land shall be held by said company for the purposes stated in this section for a longer period than ten years from the time when the same shall have been acquired, nor exceeding in amount two thousand acres.

Authority of companies to purchase lands and dispose of property.

Proviso.

This act is ordered to take immediate effect.

Approved May 3, 1887.

[No. 94.]

AN ACT to make all debts for labor preferred claims against the estates of debtors becoming insolvent, and give the same precedence over all debts not a lien on such estates prior to the performance of such labor.

SECTION 1. *The People of the State of Michigan enact*, That all debts which shall be owing for labor by any person or persons or corporation at the time he, they or it shall become insolvent, shall be preferred claims against the estate of such insolvent debtor or debtors, and have precedence in the payment thereof over all debts owing by such insolvent debtor or debtors at the time of becoming insolvent, which shall not have become a lien on such estate, or some portion thereof, prior to the performance of the labor for which such debts for labor shall be owing.

Debts for labor, preferred claims, etc.

SEC. 2. In case of suit upon any such preferred claim, or any claim a part of which is preferred as above provided, and the same be prosecuted to judgment, the court rendering judgment thereon shall specify in such judgment the part, portion or amount for which the same is a preferred claim hereunder against the estate of the defendant or defendants, and thereupon executions may be issued from said court requiring that the amount of such preferred claim be first made out of the goods and chattels, and for want thereof then of the lands and tenements of the defendant or defendants therein named, and that the remaining portion of such judgment, if any, shall be collected and made under said execution [executions] as any other unpreferred claim is required to be collected and made under the statute in such case made and provided. Any surplus arising from the sale of any property under any such execution shall be disposed of according to law.

In case of suit, what judgment shall specify and execution require.

Disposition of surplus from sale.

SEC. 3. Any person having a preferred claim hereunder, the amount whereof shall be one hundred dollars or more, or any two or more persons having such claims, the aggregate amount whereof shall be one hundred dollars or more, and who may join for the purpose, may proceed in chancery for the appointment of a receiver, and the marshaling of assets, and the application thereof to the payment of the claim or claims involved, *pro*

Claims of \$100 or over may proceed in chancery for the appointment of a receiver.

rata or otherwise, in case of any fraud affecting such claim or claims, or the recovery, satisfaction or payment thereof, or if a common law or other assignment for the benefit of creditors shall have been made by the defendants or any of them.

This act is ordered to take immediate effect.

Approved May 6, 1887.

[No. 95.]

AN ACT in relation to jurors in courts of record in the county of Wayne, and to revise the laws relative thereto.

Board of jury commissioners for Wayne county.

How appointed, residence of, etc.

Term of office.

Proviso as to present commissioners.

Terms of office of the five additional members, etc.

Board to appoint officers.

Compensation of board.

Compensation of secretary.

Meeting of board.

SECTION 1. *The People of the State of Michigan enact*, There shall be a board of jury commissioners for Wayne county, consisting of eleven qualified electors, who shall be appointed by the Governor with the consent of the Senate. Eight members of said board shall be residents of the city of Detroit, the other members shall reside outside of the limits of the city and in different towns. Appointments to fill vacancies that may occur may be made by the Governor when the Legislature is not in session, and the person or persons so appointed shall, unless their time sooner expires, hold their office until the close of the next session of the Legislature next following such appointment. The official terms of said commissioners shall commence on the first day of April, and they shall hold office for the term of six years: *Provided*, That the jury commissioners of said county now in office, appointed in pursuance of an act relative to jurors of courts of record in the city of Detroit and county of Wayne, approved May twenty, eighteen hundred and eighty-one, shall continue in office as members of the said board of jury commissioners under this act, and the five additional commissioners shall be appointed after this act shall take effect—one to be appointed for two years, two for four years, and two for six years, but their terms shall date from April one, eighteen hundred and eighty-seven. Said commissioners, before entering upon the discharge of their duties, shall take and subscribe the oath of office prescribed by the constitution and file the same in the office of the county clerk. They shall appoint one of their number president, and shall appoint a secretary, who shall keep a record of their proceedings. The commissioners shall receive no compensation for their services, excepting mileage for their traveling expenses in going to and returning from the meeting [meetings] of said board, at the rate of ten cents per mile. The secretary shall receive such compensation as shall be certified by said board, or a majority of its members, as suitable and proper, to the county auditors, and to be paid by the county, but not exceeding three hundred and fifty dollars per annum.

SEC. 2. Said board shall meet at the office of the county clerk on the second Monday in April of each year, at ten o'clock in the forenoon, and having divided the territory within the city of Detroit into eight districts, shall assign one of such districts to

each of the commissioners who are residents of said city; a division and like assignment of the territory outside of said city shall likewise be made among the three remaining commissioners. They shall also apportion among said commissioners and their respective districts the number of petit jurors to be returned for each of the courts as provided by this act. Said apportionment shall be made according to the number of the inhabitants in the territory assigned to each commissioner by the last preceding general census taken by this State or the United States: *Provided*, That in making an apportionment and return of petit jurors for the circuit court, not less than seven jurors shall be apportioned to and returned for any township or ward: *And provided further*, That in making a return of jurors for the city of Wyandotte, such jury shall be returned at large from said city and the same as though it had not been divided into wards.

Apportioning
jurors, etc.

Proviso.

Further
proviso.

SEC. 3. Each of said commissioners shall make a list of names of the number of qualified persons apportioned to his district as aforesaid, to serve as petit jurors for the ensuing year, for each of the courts of record in Wayne county for which jurors are required by law to be summoned. Said lists, as soon as they are made, and prior to the second Monday in May, shall be filed with the secretary of said board of jury commissioners.

List of qualified
persons and
filing thereof.

SEC. 4. The board of jury commissioners shall meet at the office of the county clerk on the fourth Monday in May in each year, at ten o'clock in the forenoon, and they shall proceed to examine the lists of persons returned by each of the said commissioners as aforesaid, and if, in the judgment of said board, the persons whose names were so returned are suitable persons, having the qualifications of jurors, and not exempt from service as such, said board shall make therefrom a complete list of persons, for each of the courts for which lists of jurors are required to be returned, which list shall be recorded at length in the records of said board, and a copy thereof shall be made, certified to be a true list of jurors made by said board for the court (naming) for which it is made for the then ensuing year, which certificate shall be subscribed by said commissioners, or a majority of them, and shall be filed in the office of the clerk of the court for which said list shall be made. If in the judgment of said board any of the persons whose names are contained in the list returned by said commissioners, respectively, are not suitable to serve as jurors, or if they are exempt or not qualified, such names shall be omitted from the lists required by this section to be made by said board, and in place of the names so omitted, said board shall select and include in said list made by the board, names of suitable and eligible persons sufficient in number to complete said list, and if any of said commissioners shall neglect to return the list of names as aforesaid, for his district as aforesaid, said board shall select and return in the lists to be made by them, names of suitable and eligible persons sufficient to complete the same. Such [said] list shall state the township and ward in which the persons returned respectively are resident, and if they reside in the

Meeting of
board to exam-
ine lists.

Completing
list and
recording
thereof.

What list to
state.

city of Detroit, shall state the place of residence by reference to street and house number. The name of a commissioner shall not be returned in said lists.

Qualification of persons named in list.

SEC. 5. The persons whose names shall be returned by said board of jury commissioners shall be suitable to serve as jurors. They shall have the qualifications of electors in the town or ward in which they reside, and for which they are returned by said board; they shall be persons of good character, of approved integrity, of sound judgment and well informed, conversant with the English language, in possession of their natural faculties, not infirm or decrepid, and otherwise free from all legal exceptions. No person shall be returned or shall be qualified to be or become one of a panel of jurors in any court of record in Wayne county who, within one year prior thereto, has been or acted as a member of a panel of jurors, whether summoned on the original panel or added thereto as talesman, in the same court; and it shall be the duty of each of said courts on the return day of the *venire* to inquire of the jurors summoned if any of them have served as jurors during the preceding year, and to excuse from service any jurors who have so served.

Disqualification to serve on jury.

Number of names to be returned.

SEC. 6. There shall be returned each year by the said board to serve as jurors in the circuit court of said county the names of three hundred persons, and as petit jurors in the recorder's court of the city of Detroit the names of six hundred persons; but either of said courts may direct a different number of persons to be returned by said board by an order to be entered on its journal, a copy of which order, certified by its clerk, shall be delivered to the secretary or president of such board at least thirty days prior to said second Monday in May, and said board shall thereupon return for said court the number of names mentioned in said order.

Exception.

Duty of clerk of court on receiving list of names.

SEC. 7. The clerk of the court, on receiving said list, shall file it in his office, shall write the names of the persons thus selected on separate strips of paper of the same size and appearance, as nearly as may be, shall fold up each of said strips of paper in the same manner so as to conceal the name thereon, and deposit and preserve the same in a box to be called and labeled "jury box," and the persons whose names are thus returned and deposited in said jury box shall be liable to serve as jurors for one year, and until another list shall be selected, returned, and filed with said clerk and the names thereon deposited in said jury box in the manner aforesaid.

Ballots deposited in jury box, the preceding year, to be destroyed.

SEC. 8. Before depositing in said jury box the names contained in any new list, the ballots deposited therein for the preceding year shall be taken out and destroyed, and it shall be the duty of the presiding judge of the court to attend and be present with the clerk, when the ballots containing the names of persons to serve as jurors, are deposited in said jury box or taken out to be destroyed.

Drawing of petit jurors.

SEC. 9. At least fourteen days before any term of said court, at which jury trials may be had, the clerk of said court shall.

draw from the jury box the names of as many persons as the said court may order, not less than twenty-four, to serve as petit jurors in said court; but before such drawing the said clerk shall give two days' notice to the presiding judge of said court, and to the sheriff, of the time when such drawing shall take place.

SEC. 10. At the time so appointed, it shall be the duty of said judge, and of the sheriff, or under sheriff of Wayne county, to attend at the clerk's office and witness said drawing of jurors, and if neither said presiding judge, sheriff, or under sheriff be present at the appointed time, the clerk may adjourn such drawing to some certain hour on the next day, of which adjournment he shall forthwith give notice to said judge and sheriff.

Duty of judge, sheriff or under-sheriff, at drawing.

SEC. 11. If at the time first appointed for such drawing, or at the adjourned time therefor, either said presiding judge, sheriff or under sheriff shall be present, the clerk shall proceed in such drawing as follows: He shall shake the jury box, so as to fairly mix the slips of paper deposited therein; shall then draw from said box publicly and in the presence of the officer or officers attending, as many strips of paper, containing the names of jurors written thereon, as may have been ordered by said court, and one of the attending officers shall keep a minute of such drawing, in which he shall enter the name on every strip of paper drawn, before any other such strip be drawn. If, after drawing the whole number required, the name of any person shall appear to have been drawn who is insane or dead, or has removed from the jurisdiction of the court, or is otherwise incompetent, to the knowledge of said clerk or any attending officer, an entry of such fact shall be made on the minute of the drawing, the strip of paper containing his name shall be destroyed and another name shall then be drawn in the place of that destroyed, and entered on the minute of the drawing, and like proceedings shall be had as often as necessary, until the whole number of jurors shall be drawn.

Manner of drawing jury.

SEC. 12. The said minute of the drawing shall then be signed by the clerk of said court and the attending officers, and filed by the clerk in his office, and he shall immediately make out a *venire facias* and deliver the same to the sheriff of Wayne county, which shall command him or any of his deputies to summon the person [persons] therein named, to be and appear in said court, at the term thereof for which they were drawn, to serve as petit jurors, and not depart the same until discharged, under penalty as the court may impose.

Filing minute of drawing and making *venire facias*.

SEC. 13. Said *venire facias* shall be served at least six days before the term of court therein specified, by giving personal notice to each person therein named, or by leaving a written notice at his place of residence, with some person of proper age, and return thereof shall be made to said court at its opening, specifying those who were summoned, and the manner in which each person was notified.

Serving *venire facias*.

SEC. 14. The court to which any list of jurors shall be returned shall impose a fine not exceeding ten dollars for each day that

Fine for non-attendance of juror.

any person duly summoned as a juror shall without reasonable cause neglect to attend, but if it appear by such return that any person was notified by leaving a written notice at his place of residence, the court shall suspend the imposition of such fine until the defaulting juror shall be notified to appear and show cause why the same should not be imposed.

Certain ballots
to be destroyed
and others
returned to
jury box.

SEC. 15. The clerk of said court shall destroy the ballots of all persons who shall attend and serve as jurors, or who shall be excused from serving as jurors on the ground of being exempted by law from such service, and the ballots of such persons who did not appear and serve, which shall not have been destroyed, shall be returned to the jury box.

Copy of list of
jurors.

SEC. 16. It shall be the duty of the clerk of the court to which any list of jurors shall be returned, to furnish any person applying therefor and paying the fees allowed by law for the same, a copy of the list of jurors drawn to attend said court.

Proceedings
when a suffi-
cient number
fail to appear.

SEC. 17. Whenever for cause petit jurors shall not have been drawn or summoned to attend any term of said court, or a sufficient number of qualified jurors shall fail to appear, said court may in its discretion order a sufficient number of petit jurors to be forthwith drawn from said jury box and summoned to attend such court: *Provided*, That in drawing jurors under this section the court may, for the purpose of obtaining a jury or talesmen near the place of holding the court, direct from which town or ward such jurors shall be drawn, and in such case may direct the clerk to put in a separate box the names of the persons returned for such township or ward and draw therefrom the number of jurors required.

Proviso.

Summoning said
new jurors.

SEC. 18. The sheriff, on receiving a list of jurors drawn pursuant to the preceding section, shall proceed as soon as possible to summon such jurors forthwith to attend such court and make returns to said court of the jurors in the same manner as in the case of a *venire facias*.

Talesmen.

SEC. 19. When there shall not be jurors enough present to form a panel in any case, said court may direct talesmen to be drawn and summoned as in the last two preceding sections, but all talesmen shall be drawn from said jury list, and any judge who shall select or allow any sheriff, or clerk, or other person to select any talesmen or other juror, except as provided by law, shall be deemed guilty of corrupt conduct in office and be subject to impeachment therefor: *Provided*, That the recorder's court of the city of Detroit may direct the officer in attendance on said court to summon a sufficient number of persons having the qualifications of jurors to complete the panel from among the bystanders or the neighboring citizens, and such officer shall immediately summon the number so ordered and return their names to said court.

Proviso as to
recorder's
court.

When commis-
sioners to meet
and make new
list.

SEC. 20. In case the commissioners fail to meet and return said list at the time prescribed by this act, or in case any list of jurors shall become exhausted, or be declared illegal before the year for which they were drawn has expired, it shall be compe-

tent for said circuit court, or either of said municipal courts, to direct said board of jury commissioners to meet and make a new list of jurors for such court to serve for the balance of the year.

SEC. 21. Any person who shall request said commissioner, or any of them, to be selected and returned as a juror, or who shall request that any other person be so selected and returned, and any commissioner who shall cause any person to be selected and returned, who shall have made any request [request,] or in whose behalf any such request shall have been made, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Certain acts a misdemeanor.

Punishment.

SEC. 22. Special jurors shall be struck from the list of jurors filed in the office of the clerk of the court ordering such jury, in the same manner as now provided by law for the striking of special juries in circuit courts from the lists returned to the office of the clerk of the circuit court.

Special jurors.

SEC. 23. Said board of jury commissioners shall each year make a list of suitable persons having the qualifications of petit jurors to serve as grand jurors. Such list shall contain one hundred and fifty names, and shall be made up from the county at large, without reference to any division into wards or townships; and when a grand jury shall be ordered to be drawn, the clerk shall give the same notices and take the same proceedings as is provided in the case of drawing petit jurors for drawing the names of twenty-three persons from said list of grand jurors, to serve as grand jurors, and the same shall be summoned and served in like manner and with like pay as petit jurors. If any of the persons whose names shall be drawn as grand jurors shall not appear, or shall be exempted or excused, the court may order a sufficient number to be drawn and summoned to complete the panel.

List of persons to serve as grand jurors. How made.

Drawing grand jury, etc.

SEC. 24. Jurors shall be paid mileage at the rate of ten cents per mile for their traveling expenses from their residences to the place of holding court, and for returning thereto, and for each day of actual attendance at sessions of the court at the rate of two dollars and fifty cents per day: *Provided*, That jurors residing more than five miles from the place of holding the court may be paid for not more than two days if their personal attendance is not required on such days: *And provided further*, That the court may excuse any juror or jurors from attendance without pay for any portion of the term. Jurors excused for more than two days without pay, may, by order of the court, receive mileage for traveling in going to their residences and returning to court. It shall be the duty of the court to excuse jurors from attendance on days when it is not expected that trials will be had of jury causes. Any clerk or deputy clerk of the court who shall wilfully issue any certificate of attendance of a juror, and on which such juror shall receive pay, except as provided by this act, shall be deemed guilty of a misdemeanor, and, on conviction

Pay of jurors.

Provido.

Further proviso as to excuses.

Issuing fraudulent certificate of attendance of juror, a misdemeanor, etc.

thereof, shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Who exempt
from serving as
jurors

SEC. 25. The following persons shall be exempt from serving as jurors, to wit: All officers of this State or the United States, all county officers and their deputies, all employes in any post-office or custom house of the United States or in the custom department of the United States, all city officers of the city of Detroit and their deputies, all constables and justices of the peace, all officers and members of any organized police department, attorneys and counselors at law, practicing physicians, officers and professors of the University, officers and professors in colleges, settled ministers of the Gospel, preceptors and teachers of incorporated academies, superintendents and teachers of public schools, all presidents, managers, superintendents, engineers, and heads of departments and conductors of any railroad authorized by the laws of this State and actually constructed and used, all constant ferrymen, all chiefs and assistant engineers and the members of any fire department organized according to law, all persons more than seventy years of age, and all active and contributing members of any military company organized and mustered under the laws of this State.

When court
may excuse any
juror.

SEC. 26. The court in its discretion may excuse any juror from serving at such court whenever it shall appear—

First, That he is a practicing physician or surgeon and has patients requiring his attention; or,

Second, That he executes any other civil office than those specified in the preceding section, the duties of which are at the time inconsistent with his attendance as a juror; or,

Third, That he is a teacher of any school, actually employed and serving as such; or,

Fourth, That he is more than sixty years of age; or,

Fifth, When for any other reason the interests of the public or of the individual juror will be materially injured by such attendance, or his own health or that of any member of his family requires his absence from said court.

This act is ordered to take immediate effect.

Approved May 6, 1887.

[No. 96.]

AN ACT to amend section one of act number one of the public acts of eighteen hundred and seventy-three, entitled "An act to amend section fourteen of an act entitled 'An act to provide for the organization of the supreme court, pursuant to section two of article six of the constitution,'" approved February sixteen, eighteen hundred and fifty-seven, being compiler's section six thousand three hundred and ninety-three of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section one of act number one of the public acts of eighteen hundred and seventy-three, entitled "An act to amend section fourteen of an act entitled 'An act to provide for the organization of the supreme court pursuant to section two of article six of the constitution,'" approved February sixteen, eighteen hundred and fifty-seven, being compiler's section six thousand three hundred and ninety-three of Howell's Annotated Statutes of Michigan, be and the same is hereby amended so as to read as follows:

SEC. 6393. The chief justice and each of the associate justices Salary of the justices of the supreme court.
 of the supreme court shall receive an annual salary of five thousand dollars, payable monthly, out of any moneys in the treasury belonging to the general fund not otherwise appropriated.

Approved May 11, 1887.

[No. 97.]

AN ACT making an appropriation for the purchase of books for the State library and for other purposes pertaining to the State library, for the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight.

SECTION 1. *The People of the State of Michigan enact, That* Appropriations.
 the sum of three thousand dollars for the year one thousand eight hundred and eighty-seven, and the sum of three thousand dollars for the year one thousand eight hundred and eighty-eight, be and Out of what moneys.
 the same is hereby appropriated out of any money in the treasury of the State to the credit of the general fund not otherwise appropriated, for the purchase of books for the State library. Purpose of.

SEC. 2. The State librarian is hereby authorized to employ, with the approval of the Governor, such temporary assistance during the session of the legislature as may be necessary for the care and management of the library. Librarian authorized to employ assistants.

SEC. 3. The money so appropriated shall be drawn from the State treasury upon warrant of the Auditor General, and shall be expended by the State librarian with the advice and consent of the Governor for the purpose aforesaid. How money drawn and expended.

This act is ordered to take immediate effect.

Approved May 11, 1887.

[No. 98.]

AN ACT making appropriations for the institution for educating the deaf and dumb for the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight.

SECTION 1. *The People of the State of Michigan enact, That* Appropriations for current expenses.
 the sum of fifty-two thousand dollars for the year eighteen hundred and eighty-seven, and the further sum of fifty-two thousand dollars for the year eighteen hundred and eighty-eight, or so much

of the said sums as may be necessary, are hereby appropriated to defray the current expenses of the institution for educating the deaf and dumb.

Further appro-
priations for
special
purposes.

SEC. 2. The further sum of twenty-four thousand, four hundred and eighty-one and seventeen one-hundredths dollars, or as much thereof as may be necessary, is hereby appropriated for the following special purposes: For painting and calcimining, one thousand dollars; for wagon and tool shed, two hundred and seventy-five dollars; for the library, two hundred dollars; for fencing, tiling and ornamenting grounds, two thousand dollars; for the printing office, one thousand five hundred dollars; for walks, eight hundred dollars; for the laundry, six hundred and fifty dollars; for steam pipe covering, five hundred dollars; for hospital and necessary changes therein, two thousand dollars; for cottage for superintendent, three thousand dollars; for water tower, one thousand dollars; for repairing roofs and gutters, five hundred dollars; for floors, four hundred dollars; for deficiency, four thousand, one hundred and fifty-six and seventeen one-hundredths dollars; and six thousand dollars for the purchase of land for such institution.

From what fund
appropriated
and how drawn.

SEC. 3. The several sums mentioned in this act are hereby appropriated out of the general fund and passed to the credit of the institute fund for the benefit of the institution for educating the deaf and dumb, and shall be paid to the board of trustees of said institution at such times and in such manner and amounts only as are or may be provided by law, and may be made to appear to the Auditor General to be necessary for the immediate wants of said institution, and in no case shall a greater sum than five thousand dollars be drawn at one time from the State treasury: *Provided*, Sixteen thousand dollars may be drawn previous to December thirty-first, sixteen thousand dollars previous to March thirty-first, fifteen thousand dollars previous to June thirtieth, and the remainder on or before September thirtieth in each of the years of eighteen hundred and eighty-seven and eighteen hundred and eighty-eight: *Provided further*, That vouchers shall have been filed as required by act number one hundred and forty-eight of the session laws of eighteen hundred and seventy-three.

Proviso as to
time of drawing.

Further proviso
as to vouchers.

Auditor General
to incorporate
with State tax.

SEC. 4. Of the above mentioned sums the Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and eighty-seven the sum of seventy-six thousand, six hundred and eighty-one and seventeen one-hundredths dollars; and for the year eighteen hundred and eighty-eight, fifty-two thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be passed to the credit of the general fund, to reimburse it for the sums appropriated by sections one and two of this act.

This act is ordered to take immediate effect.

Approved May 11, 1887.

[No. 99.]

AN ACT to amend sections one and two of act one hundred and seventy-nine of the public acts of eighteen hundred and eighty-three, entitled "An act to regulate the width of wagon tires to be used with lumber wagons," approved June eight, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
sections one and two of act number one hundred and seventy-nine of session laws of eighteen hundred and eighty-three, entitled "An act to regulate the width of wagon tires to be used with lumber wagons," approved June eight, eighteen hundred and eighty-three, be and the same is hereby amended, so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* Rebate of highway tax to persons using certain wagons.
all persons who shall use only lumber wagons on the public highways of this State with rims not less than three inches in width, for hauling loads exceeding eight hundred pounds in weight, for the year ending on the first day of June, in the year of our Lord one thousand eight hundred and eighty-seven, and each succeeding year thereafter, shall receive a rebate of one-fourth of their assessed highway tax for the year eighteen hundred and eighty-seven, and in like manner each succeeding year thereafter: *Provided, however,* Such rebate shall not exceed in any one year three days' road tax to any one person.

SEC. 2. Any person complying with the provisions of section one of this act, who shall make and subscribe to an affidavit that he or she has for the last preceding year of June first, eighteen hundred and eighty-seven, or on the first day of June on any succeeding year thereafter, used only such wagons with rims not less than three inches in width, for hauling loads exceeding eight hundred pounds in weight on the public highways of this State, shall be credited by the overseer of highways of the road district in which such person resides, with one-fourth of the road tax assessed and levied on the property of such person. Such credit shall not exceed in any one year three days' highway tax to any one person, and any overseer of highways is hereby authorized to administer such oath.

This act is ordered to take immediate effect.

Approved May 12, 1887.

[No. 100.]

AN ACT for the incorporation of companies for the purpose of buying and selling brood animals.

SECTION 1. *The People of the State of Michigan enact, That* Five or more persons may incorporate.
any number of persons, not less than five, who by articles of agreement in writing have associated, or shall associate according

	to the provisions of this act, under any name assumed by them for the purpose of buying and selling brood animals for breeding purposes only, and who shall comply with all of the provisions of this act, with their successors and assigns, constitute a body politic and corporate under the name assumed by them in their articles of association: <i>Provided</i> , That no two companies shall assume the same name.
Proviso.	
Articles of agreement, execution of.	SEC. 2. The articles of agreement of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take the acknowledgment of deeds.
Capital stock, limitation of, etc.	SEC. 3. The amount of the capital stock of every corporation formed under the provisions of this act shall not exceed fifty thousand dollars, and shall be fixed and limited by the stockholders in their articles of incorporation, and shall be divided into shares of ten dollars each.
Corporation, term of existence.	SEC. 4. The stockholders of every corporation formed under the provisions of this act shall, in their articles of incorporation, distinctly state the term of the existence of such corporations, which term shall not exceed the term of twenty years; and said stockholders shall distinctly state, in said articles, the purpose for which said corporation is formed; and it shall not be lawful for said corporation to appropriate its funds to any other purpose, except as hereinafter stated.
Purpose of.	
First meeting of.	SEC. 5. When any corporation shall have been organized under the provisions of this act any two of the stockholders thereof may call the first meeting of the stockholders at such time and place as they may elect, by giving to each stockholder a written notice, of not less than five days, of the time and place of such meeting, or by publishing the same not less than two weeks in some newspaper printed, published and circulating in the county where said articles of incorporation have been recorded. Said
Notice of meeting.	notice may be waived in writing, signed by all the stockholders of said corporation, and the meeting held under and in pursuance of such waiver shall be valid; but in all cases the notice, or waiver, in writing shall be entered at large upon the records of such corporation.
Notice may be waived.	
Directors, how chosen, term of office, etc.	SEC. 6. The affairs and business of any such corporation organized under the provisions of this act shall be conducted by not less than three and no more than five directors, to be chosen by the stockholders of said corporation, from the members of the corporation, at the annual meeting of the stockholders of such corporation, for the term of one year, or until their successors shall have been elected as aforesaid.
Proceedings in case there be no annual election of directors.	SEC. 7. If there should be no annual election of directors as provided in this act the corporation for this reason shall not be dissolved, but any two members may call a meeting of the stockholders of said corporation for that purpose, by giving notice as provided in section five of this act: <i>Provided</i> , Said notice contain the reason why said special meeting is called, and said notice spread upon the records as provided in said section five of this act.
Proviso.	

SEC. 8. The directors elected as provided in this act shall choose a president, vice-president, secretary and treasurer, and such other officers in the manner, time and place as is directed by the by-laws of such corporation, and said officers, when so elected, shall hold their office for the term of one year, or until their successors are duly elected: *Provided*, One person may be secretary and treasurer, if the stockholders so elect, which officer shall keep the books, which shall be accessible to any stockholder at any time, and have their place of business wherever the by-laws of such corporation shall prescribe.

President and other officers, how chosen, etc.

Proviso.

SEC. 9. The directors of any corporation organized under and by virtue of this act shall have the power to fill all vacancies which may occur in their board, by death or otherwise, for the current year.

Vacancies in board, how filled.

SEC. 10. Every corporation organized under the provisions of this act shall have the power to borrow and loan money the same as any individual: *Provided*, That money shall be borrowed only when a majority of the stockholders shall so direct, and the amount shall in no case exceed the capital stock of such corporation: *And provided further*, That the note or other obligation shall be signed by the president and secretary, with the seal of the corporation annexed thereto.

Power of corporation to borrow money.

Proviso.

Further proviso.

DUTIES OF OFFICERS.

SEC. 11. Before any business shall be transacted by any corporation organized under this act the president shall cause the articles of incorporation to be recorded in the office of the Secretary of State of this State and in the office of the clerk of the county where said corporation does business; and the Secretary of State and clerk shall each certify the time when said articles are received, the book and page where recorded, and a certified copy of such articles, either by the Secretary of State or the clerk of the county where said articles are recorded, shall be *prima facie* evidence of such incorporation. The Secretary of State and clerk shall each receive one dollar for recording said articles of incorporation.

Duty of president.

Of Secretary of State and county clerk.

Fee for recording.

SEC. 12. Any three or more stockholders holding a majority of the stock shall constitute a quorum for the transaction of business; and each stockholder shall be entitled to cast as many votes as he has shares of stock, and may vote either in person or by proxy; and a majority of the board of directors shall constitute a quorum for the transaction of business.

Quorum.

SEC. 13. The directors may call in the subscription to the stock at the time and in the manner prescribed by the by-laws of the corporation, but no installment of stock shall be called in unless a previous notice of not less than thirty days shall have been given, as directed by the by-laws of such corporation. Any member who refuses for the space of thirty days to pay any installment so called, shall forfeit all previous installments paid by him, and the board of directors, in the name of the corporation,

Directors may call in subscription to stock.

Proceedings in case members refuse to pay installment, etc.

Idem. shall sue such delinquent stockholder for the amount of said installment, together with the costs of suit and an attorney fee of not less than ten dollars, and also cancel all stock previously taken up by said delinquent stockholder. The balance of said stock and the amount forfeited, if any, shall then be sold at public auction to the highest bidder, after a notice of such sale has been published not less than two weeks, in some newspaper printed, published and circulating in said county where said business is done, and said board of directors shall issue the remaining stock to such purchaser or purchasers, and such purchaser or purchasers shall be entitled to all the privileges of an original stockholder.

POWERS.

Corporations may sue and be sued, etc. **SEC. 14.** All corporations organized under the provisions of this act shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to a final judgment in any court; to have a common seal, and to alter the same at pleasure; to elect all necessary officers as provided in the by-laws of such corporation; to fix their compensation and define their duties; to ordain and establish by-laws for the management and regulation of their affairs, and to alter and repeal the same; and to employ all such agents as they shall think proper.

Have common seal. **SEC. 15.** Every corporation organized under the provisions of this act shall, by its corporate name, have power to acquire and hold such property as will fulfill the purpose for which it is organized, and all other property necessary for the management of its business.

Fix by-laws. **SEC. 16.** As often as once in each year the secretary and treasurer shall give a true statement to the stockholders of the accounts of such corporation, or at any other time when ordered by the board of directors.

Acquire and hold property. **SEC. 17.** The stock of every such corporation shall be deemed personal property, and shall be transferred only on the books of such corporation in such manner and form as their by-laws shall prescribe; and such corporation shall, at all times, have a lien upon all of the stock or property of its members invested therein for all debts due from them to such corporation.

LIABILITIES FOR NEGLIGENCE OF DUTY.

Stockholders liable for debts, etc. **SEC. 18.** If the capital stock shall be withdrawn and refunded to the stockholders before the payment of the debts of the corporation for which said stock would have been liable, the stockholders shall be jointly and severally liable to any creditor of such corporation to the amount refunded to him or them, respectively, in an action of assumpsit.

Liability of directors in certain cases. **SEC. 19.** If the directors shall declare and pay a dividend when the corporation is insolvent, or any dividend the payment of

which would render said corporation insolvent, knowing that said corporation was insolvent, or knowing that such dividend would make such corporation insolvent, the directors assenting thereto shall be jointly and severally liable, in an action of assumpsit, for all debts due from such corporation from and after paying or declaring such dividend.

ENFORCEMENT OF LIENS.

SEC. 20. Any corporation organized under the provisions of this act, which has a lien upon the stock of any stockholder as provided in section seventeen of this act, may give notice to such stockholder that unless he pay his indebtedness to such corporation within thirty days from the time of giving such notice, then the board of directors of such corporation will proceed to sell the stock of such stockholder in said corporation; and upon default of such payment by the time limited in said notice, said directors shall proceed to sell the stock of such stockholder as hereinafter provided, and any such corporation may prescribe the manner of giving such notice as is required in this section by its by-laws. Proceedings when corporation has lien upon stock, etc.

SEC. 21. Such corporation may, at any time within three months after it shall have given the notice required in the preceding section to such indebted stockholder of its intention to sell such stock, and after the notice of thirty days has expired, advertise in a newspaper published in the county where the business of such corporation is done, giving at least two weeks' notice of the time and place where said stock will be sold; and at the time and place of sale give the amount of the indebtedness of such stockholder to said incorporation, and may then proceed to sell for cash, to the highest bidder therefor, so much of the stock of such indebted stockholder as will pay such indebtedness, together with the costs of such sale; and if the sale of the entire stock of such indebted stockholder shall not be sufficient to pay the debt of said stockholder, together with the costs of sale, then said directors shall credit said indebted stockholder with the amount received at such sale, less the cost of sale, and may proceed to collect the balance of such indebtedness by an action of assumpsit against said indebted stockholder: *Provided*, That where any of the stock of such indebted stockholder has been assigned as security for his indebtedness to some third party, then only the equity of redemption shall be sold as provided in this section; and for this purpose said corporation may require the party holding said stock as security to make a statement under oath of the amount for which said stock is held, and if such party shall not make such statement under oath, if required, then he shall forfeit all claim and lien upon such stock or any part thereof, and such corporation may sell the same as herein provided. Idem. Provide when stock is assigned.

SEC. 22. Whenever the purchaser of such stock shall comply with the conditions of such sale the directors shall issue new certificates of stock to such purchasers, and cancel upon the books of such corporation the certificates issued to such indebted stock- When directors shall issue new certificates of stock, etc.

holder, and such new certificates shall entitle the purchasers to all the privileges of an original stockholder.

GENERAL PROVISIONS.

Liability of
stockholders.

SEC. 23. The stockholders of all corporations organized under the provisions of this act shall be individually liable for all the work performed for the corporation, which said liability may be enforced against any stockholder by an action of assumpsit, at any time after an execution shall have been returned unsatisfied in whole or in part against said corporation, but if any stockholder is compelled to pay any amount of such indebtedness he shall have the right to call upon the other stockholders to contribute their proper share of such indebtedness, and for that purpose he may sue them jointly or severally, or any number of them, and in such action recover the amount due from the stockholder or stockholders so sued.

Service of
process, upon
whom made.

SEC. 24. Service of legal process against any corporation formed under this act may be made on the president or secretary, or if neither of them can be found in the county in which, under the articles of incorporation they are to do business, then such service may be made by posting a copy thereof in some conspicuous place at the business office of said company.

Corporations
liable to assess-
ment.

SEC. 25. All corporations organized under this act shall be liable to be assessed for all personal estate held by them in this State, at its true value, and shall pay the same kind of tax as other personal property is liable to pay; and such tax shall be assessed and paid the same as the tax on other personal estate: *Provided*, That nothing herein contained shall authorize the taxing of the capital stock of such corporation as such capital stock.

Proviso.

This act is ordered to take immediate effect.

Approved May 12, 1887.

[No. 101.]

AN ACT authorizing the board of trustees of the Northern Michigan Asylum for the Insane to purchase certain lands for the use and benefit of said asylum, and making an appropriation for the payment thereof.

Board of
trustees author-
ized to purchase
certain lands.

SECTION 1. *The People of the State of Michigan enact*, That the board of trustees of the Northern Michigan Asylum for the Insane are hereby authorized to purchase for said asylum the following parcels of land, described as follows: The northeast quarter of the northeast quarter of section nine, town twenty-seven north, range eleven west, and also all that portion of the northeast quarter of the southeast quarter of the above section lying north of Newaygo and Northport State road, all in the same town and range, and all in the county of Grand Traverse in this State.

SEC. 2. The sum of three thousand eight hundred and six dollars and seventeen cents is hereby appropriated out of any money in the general fund not otherwise appropriated for said purchase. Appropriation for.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-seven the sum of three thousand eight hundred and six dollars and seventeen cents, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum, when collected, shall be credited to the general fund to reimburse it for the sum appropriated by section two of this act. Tax for.

This act is ordered to take immediate effect.

Approved May 12, 1887.

[No. 102.]

AN ACT making an appropriation for the current expenses of the Michigan Soldiers' Home, and other expenses necessary to the maintenance and improvement thereof, for the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated from the general fund the sum of one hundred and fifty thousand four hundred and thirty-three dollars and sixty cents, for the current expenses of the Michigan Soldiers' Home, and other expenses necessary to the maintenance and improvement thereof, for the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight: *Provided*, That of the amount hereby appropriated it shall not be lawful for the board of managers to draw a sum exceeding eighty thousand dollars in the year eighteen hundred and eighty-seven and the sum of seventy thousand four hundred and thirty-three dollars and sixty cents in the year eighteen hundred and eighty-eight. Appropriation for 1887 and 1888.

Provide as to amounts to be drawn each year.

SEC. 2. The amount thus appropriated in section one of this act shall be divided as follows for the two years: for clothing in the quartermaster's department, eighteen thousand and forty dollars; for stationery, blank books and postage, one thousand dollars; for gasoline for lighting, three thousand four hundred and seventy-nine dollars and sixty cents; for fuel for boilers and ranges, eight thousand dollars; for carpets, six hundred dollars; for library cases and books, eight hundred dollars; for reading and writing-room desks and tables, three hundred dollars; for burial expenses, fourteen hundred and forty dollars; for furniture and furnishings in the quartermaster's department, including forage for horses, seven thousand dollars; for stock, five hundred and fifty dollars; for preparation of grounds, grading, graveling walks and drives, underbrushing, sodding lawns, trimming, ditching, laying of pipe for water supply, tiling blind drains from buildings, farm cultivation, flower and vegetable gardens, im-

Division of appropriation

provement of cemetery dam across Lamberton creek, including salary of landscape gardener, while employed, four thousand dollars; for completion of ice-house, now partly constructed, two hundred and sixty dollars; for subsistence, seventy thousand dollars; for soap, one thousand two hundred dollars; for hospital supplies, three thousand dollars; for salaries, twenty-nine thousand two hundred and sixty-four dollars; for transportation, fifteen hundred dollars.

Tax for appropriation.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-seven the sum of eighty thousand dollars, and for the year eighteen hundred and eighty-eight the sum of seventy thousand four hundred and thirty-three dollars and sixty cents, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be passed to the credit of the general fund, to reimburse the same for the amounts appropriated under the provisions of this act.

This act is ordered to take immediate effect.

Approved May 12, 1887.

[No. 103.]

AN ACT to amend act number two hundred and forty-two, session laws of eighteen hundred and sixty-three, being an act entitled "An act for the incorporation of hospitals and asylums in cases where valuable grants or emoluments have been made to trustees for such purposes," approved March twenty, eighteen hundred and sixty-three, as amended by act number ten, public acts of eighteen hundred and seventy-five, the same being chapter one hundred and sixty-six of Howell's Annotated Statutes, by adding thereto a new section, to stand as section nine of said act, authorizing amendments of articles of incorporation of corporations organized under said act.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number two hundred and forty-two of the session laws of eighteen hundred and sixty-three, "An act for the incorporation of hospitals or asylums in cases where valuable grants or emoluments have been made to trustees for such purposes," approved March twenty, eighteen hundred and sixty-three, as amended by act number ten of the public acts of eighteen hundred and seventy-five, approved February eighteen, eighteen hundred and seventy-five, the same being chapter one hundred and sixty-six of Howell's Annotated Statutes, be and the same is hereby amended by adding thereto a new section, to stand as section nine of said act, and to read as follows:

Number of trustees how increased.

SEC. 9. The articles of incorporation of any corporation organized under this act may be amended at any regular meeting of the board of trustees thereof by a two-thirds vote of all the members of said board so as to provide for increasing the number of

trustees constituting said board to not exceeding fifteen. Any such additional trustees and their successors shall be chosen as provided in section three of said act. The president and secretary of the board of trustees shall file a copy of all amendments made pursuant to the provisions of this section, certified by them, with the Secretary of State, and cause a duplicate copy thereof to be recorded in the clerk's office of the county in which the office of such corporation may be located.

Additional trustees, how chosen.
Copy of amendments by whom filed, etc.

This act is ordered to take immediate effect.

Approved May 12, 1887.

[No. 104.]

AN ACT making an appropriation for the Asylum for Insane Criminals.

SECTION 1. *The People of the State of Michigan enact,* That the sum of one thousand dollars be and is hereby appropriated out of the general fund for one laundry building; and that the sum of four hundred dollars be and is hereby appropriated out of the general fund for miscellaneous repairs and changes; and that the further sum of three hundred dollars be and is hereby appropriated out of the general fund for mattresses and woven wire springs for twenty-five beds in hospital ward; and that the further sum of three hundred dollars be and is hereby appropriated out of the general fund for material and skilled labor to paint walls of wards about six feet in height; and that the further sum of one hundred and fifty dollars be and is hereby appropriated out of the general fund for material and labor for hog pen; and that the further sum of one hundred and fifty dollars be and is hereby appropriated out of the general fund for one range; and that the further sum of one hundred and fifty dollars be and is hereby appropriated out of the general fund for hose for fire protection and lawn use; and that the further sum of one hundred and fifty dollars be and is hereby appropriated out of the general fund for engineers' and carpenters' tools; and that the further sum of one hundred and fifty dollars be and is hereby appropriated out of the general fund for miscellaneous ward furniture; and that the further sum of one hundred dollars be and is hereby appropriated out of the general fund for soap kettles, stationary tubs, etc.; and that the further sum of one hundred dollars be and is hereby appropriated out of the general fund for pillows and bedding for twenty-five beds; and that the further sum of twenty-five dollars be and is hereby appropriated out of the general fund for pictures for wards; and that the further sum of one hundred dollars be and is hereby appropriated out of the general fund for surgical and diagnostic instruments; and that the further sum of seventy-five dollars be and is hereby appropriated out of the general fund for one steam kettle; and that the further sum of sixty dollars be and is hereby appropriated out of the general fund for carpets (one strip in centre) for convales-

Appropriation, purposes of, etc.

Idem.

Idem.

cent ward, male department; and that the further sum of two hundred dollars be and is hereby appropriated out of the general fund for two steam washing machines; and that the further sum of one hundred and fifty dollars be and is hereby appropriated out of the general fund for one centrifugal wringer; and that the further sum of three hundred dollars be and is hereby appropriated out of the general fund for one mangle; and that the further sum of three hundred and fifty dollars be and is hereby appropriated out of the general fund for one engine; and that the further sum of one hundred dollars be and is hereby appropriated out of the general fund for shafting, pulleys, etc.

Tax.

SEC. 2. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-seven the sum of four thousand three hundred and ten dollars, to be assessed and levied in like manner as other taxes are assessed and levied and paid, which tax, when collected, shall be credited to the general fund to reimburse to the same the sums to be drawn therefrom, as provided in this act.

This act is ordered to take immediate effect.

Approved May 12, 1887.

[No. 105.]

AN ACT to amend section five of act number one hundred and eighty-two of the public acts of eighteen hundred and eighty-five, entitled "An act to provide for the appointment of a live stock sanitary commission and a State veterinarian, and to prescribe their powers and duties, and to prevent and suppress contagious and infectious diseases among the live stock of the State," and to repeal section six of said act, and add another section thereto to stand as section twenty-three.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of act number one hundred and eighty-two of the public acts of eighteen hundred and eighty-five, entitled "An act to provide for the appointment of a live stock sanitary commission and a State veterinarian, and to prescribe their powers and duties, and to prevent and suppress contagious and infectious diseases among the live stock of the State," be amended so as to read as follows:

Duty of persons to report diseases to health officers, etc.

SEC. 5. It shall be the duty of any person who discovers, suspects, or has reason to believe that any domestic animal belonging to him or in his charge, or that may come under his observation, belonging to other parties, is affected with any disease, whether it be a contagious or infectious disease, to immediately report such fact, belief or suspicion to the live stock sanitary commission, or a member thereof.

Section repealed.

SEC. 2. Section six of said act number one hundred and eighty-two of the public acts of eighteen hundred and eighty-five is hereby repealed.

SEC. 3. There shall be added one new section to said act number one hundred and eighty-two of the public acts of eighteen hundred and eighty-five to stand as section twenty-three, to read as follows: Section added.

SEC. 23. Any railroad company, navigation company, or other corporation, or common carrier, who shall knowingly, or willfully violate, disregard, or evade any of the provisions of this act, or who shall willfully violate, disregard, or evade any of the rules, regulations, orders, or directions of the live stock sanitary commission establishing or governing quarantine, or who shall evade, or attempt to evade any quarantine proclamation of the Governor of this State declaring quarantine limits, shall forfeit and pay to the people of the State of Michigan not less than five hundred dollars, nor more than five thousand dollars, for each and every offense, and shall be liable for all damages caused to any neat cattle by its or his failure to comply with the requirements of this act. Relative to violation of act by railroad companies, etc.

This act is ordered to take immediate effect.

Approved May 13, 1887.

[No. 106.]

AN ACT to amend compiler's section number eleven hundred and seventy-five of the compiled laws of eighteen hundred and seventy-one, being section twelve hundred and twenty-five of Howell's Annotated Statutes, relative to the payment of specific taxes to counties in the Upper Peninsula.

SECTION 1. *The People of the State of Michigan enact*, That compiler's section number eleven hundred and seventy-five of the compiled laws of eighteen hundred and seventy-one, being section twelve hundred and twenty-five of Howell's Annotated Statutes, relative to the payment of specific taxes to the counties in the Upper Peninsula, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 1225. That two-tenths of the taxes received, or which may be hereafter received into the treasury of the State, from mining corporations in the Upper Peninsula, paying an annual tax of one per cent, shall be paid to the treasurers of the counties from which they respectively have been or may hereafter be received, upon the written order of the county clerk of the county from which said tax has been or shall be received, to be used for county and township purposes, as the board of supervisors in said counties respectively shall direct, as provided in section seven of article nineteen of the constitution. Two-tenths of the taxes received from mining corporations to be returned to counties.

This act is ordered to take immediate effect.

Approved May 13, 1887.

[No. 107.]

AN ACT making appropriation for the purchase of material for a school-house, for the purchase of machinery and for improvements and repairs at the State House of Correction and Reformatory at Ionia.

Appropriation. SECTION 1. *The People of the State of Michigan enact,* That the sum of fourteen thousand four hundred and seventy dollars (\$14,470) be and the same is hereby appropriated out of the general fund for the following named purposes at the State House of Correction and Reformatory at Ionia for the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight: For the purchase of the Fargo engine and two boilers, nine hundred dollars; shafting, hangers and pulleys, three hundred and twenty-five dollars; for purchasing the Roberts' machinery (one iron planer, one jig saw and frame, one re-saw frame, one boring machine, one shaper, six cut-off saws and frames, belts, arbors, etc.), five hundred and fifty dollars; for purchasing the Cochrane machinery (one universal wood worker, five hundred and twenty-five dollars; one sand drum machine, three hundred and seventy dollars; one carver and knives, seventy-five dollars and twenty-five cents, and tenonner, one hundred and twenty-five dollars and forty-five cents);—one thousand and ninety-five dollars; finishing hospital, one thousand dollars; dishes, etc. (inmate kitchen), three hundred dollars; dishes, etc., house, two hundred dollars; general repairs, two thousand dollars; repairing and changing gutters on all buildings, one thousand five hundred dollars; repairs to boilers, engines, pumps, and covering steam pipes, two thousand five hundred dollars; ventilating shops, five hundred dollars; fire and lawn hose, three hundred and fifty dollars; sheets, pillow-cases, bedding and house furnishing, three hundred dollars; re-building front porch (administration building), two hundred dollars; building school-house, one thousand six hundred dollars; tea and coffee boilers and covers for kettles, four hundred and fifty dollars; repairs in chapel, seven hundred dollars;—fourteen thousand four hundred and seventy dollars.

Sums appropriated to be credited to State House of Correction, etc. SEC. 2. That the several sums appropriated by this act shall be passed to the credit of the State House of Correction and Reformatory at Ionia, and paid to its treasurer upon the requisition of the board of managers at such times and in such amounts as is now provided by law and as may be made to appear to the Auditor General to be necessary.

Tax. SEC. 3. That the aggregate sum appropriated by this act (fourteen thousand four hundred and seventy dollars), shall be a debt to and incorporated with the tax for the year eighteen hundred and eighty-seven by the Auditor General, to be levied, assessed and collected as other State taxes are levied, assessed and collected, and when collected passed to the credit of the general fund, to reimburse the same for the sums appropriated by section one of this act.

This act is ordered to take immediate effect.
Approved May 17, 1887.

[No. 108.]

AN ACT to amend section eleven hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one as amended by act number fifty-nine of the session laws of eighteen hundred and seventy-two, approved March twentieth, eighteen hundred and seventy-two, being section twelve hundred and twenty-six of Howell's Annotated Statutes, relative to taxes on mining and smelting companies.

SECTION 1. *The People of the State of Michigan enact*, That section eleven hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one as amended by act number fifty-nine of the session laws of eighteen hundred and seventy-two, approved March twentieth, eighteen hundred and seventy-two, being section twelve hundred and twenty-six of Howell's Annotated Statutes, relative to taxes on mining and smelting companies, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 1226. That all corporations and all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, engaged in the business of mining, smelting and refining ores in this State, shall pay into the State treasury specific taxes as follows, that is to say: Every such corporation, association and joint stock company engaged in copper mining shall pay a tax of seventy-five cents for each and every ton of copper obtained; every such corporation, association and joint stock company engaged in iron mining shall pay a tax of one cent for each and every ton of two thousand two hundred and forty pounds of ore obtained; every such corporation, association and joint stock company engaged in coal mining, shall pay a tax of one-half cent for each ton of coal obtained by such corporation, association and joint stock company engaged in such mining business. Said taxes shall be paid annually in the month of July, at the office of the State Treasurer, or at such place in the city of Detroit as he may designate. The taxes herein provided for shall be in lieu of all State taxes to be paid by such corporations, associations and joint stock companies, except the specific tax upon the capital stock of said corporations, associations and joint stock companies. Of the specific taxes received, whether now due or hereafter to accrue from the corporations, associations and joint stock companies engaged in mining business in the Upper Peninsula, eight-tenths shall be placed to the credit of the general fund, and two-tenths shall be placed on the books of the Auditor General to the credit of the counties from which it is received, and shall be paid to the treasurers of such counties in the same manner as other funds, and shall be used for general county purposes: *Provided*, That

Specific taxes.

Copper, seventy-five cents per ton.	
Iron, one cent per ton of 2,240 lbs.	
Coal, half a cent per ton.	

To be in lieu of State taxes.

Taxes, how credited when received from certain corporations.

Provided.

nothing herein contained shall exempt from State taxation any property of such corporations, associations and joint stock companies not invested in mining or manufacturing business as contemplated by this act.

This act is ordered to take immediate effect.

Approved May 17, 1887.

[No. 109.]

AN ACT making appropriations for the current expenses and for buildings, etc., for the Reform School for the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight.

Sum appropri-
ated.

SECTION 1. *The People of the State of Michigan enact*, There shall be and is hereby appropriated from the general fund the sum of fifty-two thousand dollars to meet the current expenses of the Reform School for the year eighteen hundred and eighty-seven and the further sum of fifty-two thousand dollars to meet the current expenses of the Reform School for the year eighteen hundred and eighty-eight.

For fences and
walks.

SEC. 2. That the sum of two hundred and fifty dollars is hereby appropriated for building and repairing sidewalks and fences for the year eighteen hundred and eighty-seven, and the further sum of two hundred and fifty dollars for building and repairing sidewalks and fences for the year eighteen hundred and eighty-eight.

For other pur-
poses.

SEC. 3. That the sum of seven thousand two hundred dollars be and hereby is appropriated for the following purposes in the year eighteen hundred and eighty-seven: For a mangle and other laundry tools and machines, five hundred dollars; for kitchen furniture, two hundred dollars; for a tunnel for steam pipe, one thousand dollars; for an ice-house and meat-room, five hundred dollars; for a department of technology, five thousand dollars.

For sewerage.

SEC. 4. That the sum of seven thousand five hundred dollars is hereby appropriated for the purpose of perfecting and extending the sewerage system of said Reform School in the year eighteen hundred and eighty-seven: *Provided*, That no more than two thousand five hundred dollars of the above sum shall be used unless a satisfactory connection with a main sewer of the city of Lansing shall be made: *Provided*, That if any one of the amounts specified in sections two and three of this act shall not be required for the purpose for which it is appropriated any balance remaining unexpended shall be covered back into the treasury.

Proviso.

Further
proviso.

Tax.

SEC. 5. The Auditor General shall add to and incorporate in the State tax for the years eighteen hundred and eighty-seven and eighty-eight the amounts appropriated by sections one, two, three and four of this act for each of said years, to be assessed,

levied and collected as other State taxes are assessed, levied and collected, which amounts, when collected, shall be passed to the credit of the general fund to reimburse the same for the sums appropriated by this act.

This act is ordered to take immediate effect.

Approved May 18, 1887.

[No. 110.]

AN ACT to cede jurisdiction to the United States of America over lands now occupied and to be occupied in the enlargement and improvement of the "Lake Superior Ship Canal Railway and Iron Company," and "The Portage Lake and River Improvement Company," Michigan.

SECTION 1. *The People of the State of Michigan enact, That* the jurisdiction of this State is hereby ceded to the United States of America over all such pieces or parcels of land as are now occupied by the Lake Superior ship canal railway and iron company, and by the Portage Lake and river improvement company for canal purposes, and also over all lands which may be hereafter selected or purchased or conveyed to the United States for the enlargement and improvement of the canals constructed by the foregoing named companies. Such jurisdiction shall extend over all docks, piers, break-waters, buildings, appurtenances, and all other property thereon: *Provided*, That an accurate description of such parcels of land now occupied in operating said canals, and which may hereafter be acquired by the United States, shall be filed by the United States with the Secretary of State of this State.

Jurisdiction
over certain
lands ceded to
U. S. A.

SEC. 2. The lands aforesaid, when so ceded, and all lands and property hereafter acquired by the United States for canal purposes, shall be forever exempt from all taxes and assessments so long as the same shall remain the property of the United States: *Provided always*, And this cession is upon the express condition that the State of Michigan shall so far retain jurisdiction with the United States over the said canals and all lands, buildings, and appurtenances belonging thereto, that all civil and criminal process issued under the authority of this State, or any officer thereof, may be executed on said lands and premises, and in the buildings that may be erected thereon, in the same manner as if jurisdiction had not been ceded as aforesaid; and all crimes committed on said territory shall be cognizant by the courts of this State as though said cession of jurisdiction had not been made.

Property
exempt from
taxation.

Provido.

Approved May 18, 1887.

[No. 111.]

AN ACT to require the Erie and Kalamazoo Railroad Company, or any lessee thereof having control of or operating the Erie and Kalamazoo Railroad to operate and maintain, or to abandon its line of road between Palmyra Junction and the city of Adrian.

Company required to operate road within six months.

Also to rebuild depot, &c.

Provision in case company elect to abandon road bed.

Title to revert to owners of adjoining lands.

Forfeiture for non-compliance with this act.

SECTION 1. *The People of the State of Michigan enact*, That the Erie and Kalamazoo railroad company, or any lessee thereof having control of or operating the Erie and Kalamazoo Railroad, be and are hereby required, within six months from and after the time this act shall take effect, to operate and maintain that portion of the former main line of its road originally constructed between Palmyra Junction, so called, and the city of Adrian, now known as "the old Palmyra track," in the same manner and with the same amount of trains and equipment as the main line of its road between Palmyra Junction and the Ohio and Michigan State line is now operated and maintained, or in lieu thereof to dismantle and abandon the said called "old Palmyra track," and in case said company or any lessee thereof shall elect to operate and maintain said portion of said road, they are in addition thereto hereby required within six months from and after the time this act shall take effect, to rebuild and maintain a depot and freight house at Palmyra village, in Lenawee county, on the same site as formerly occupied by the depot of said road, in the same manner as other stations are maintained on the main line of the road of said company.

SEC. 2. In case said Erie and Kalamazoo railroad company, or any lessee thereof shall elect to dismantle and abandon said portion of its road as specified in section one of this act, said company shall within six months from the time this act shall take effect take up and remove the iron, ties and other debris from said road bed so abandoned, and the title to the lands so occupied as right of way for said portion of said road shall thereupon revert to the parties entitled as owners of the adjoining lands.

SEC. 3. Upon a failure on the part of said Erie and Kalamazoo Railroad Company, or any lessee thereof to comply with the terms of this act within the time herein specified, said railroad company shall forfeit the sum of one hundred dollars per day during the time such failure shall continue, to be recovered in an action of trespass on the case in any court of competent jurisdiction. Process may be served on any officer or agent of said company, or any lessee thereof, and when so served shall be a due and sufficient notice.

This act is ordered to take immediate effect.

Approved May 19, 1887.

[No. 112.]

AN ACT to amend section twenty of chapter two hundred and forty-four of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine thousand and ninety-four of Howell's Annotated Statutes of Michigan, relative to offenses against the lives and persons of individuals.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section twenty of chapter two hundred and forty-four of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine thousand and ninety-four of Howell's Annotated Statutes of Michigan, relative to offenses against the lives and persons of individuals, be and the same is hereby amended so as to read as follows :

SEC. 20. If any person shall ravish and carnally know any female of the age of fourteen years, or more, by force and against her will, or shall unlawfully and carnally know and abuse any female child under the age of fourteen years, he shall be punished by imprisonment in the State prison for life, or for any term of years; and such carnal knowledge shall be deemed complete upon proof of penetration only. Rape, evidence of, and age of consent.

Approved May 21, 1887.

[No. 113.]

AN ACT to authorize the trustees, vestrymen, consistory, or other governing body of any religious society incorporated, under the laws of this State, to receive money by gift or bequest when the same is to be invested and the income thereof applied in payment or part payment of the salary of their minister, priest, rector, parson, or clergyman.

SECTION 1. *The People of the State of Michigan enact, That* Trustees, etc., of religious societies, to receive and invest gifts for certain purposes.
 the trustees, vestrymen, consistory, or other governing body of any religious society incorporated under the laws of this State, may in their corporate name receive gifts and bequests of money for investment upon bond and mortgage when the interest of such investment is to be applied in payment or part payment of the salary of the minister, priest, rector, parson or clergyman of such religious society: *Provided, That* Provided. sums of money, mortgages, or investments so held by any such society shall not exceed the sum of ten thousand dollars at any one time, and shall be invested by the trustees, vestrymen, consistory, or other governing body in their corporate name upon bond secured by mortgage upon unincumbered real estate, worth at least double the amount loaned thereon.

This act is ordered to take immediate effect.

Approved May 21, 1887.

[No. 114.]

AN ACT making an appropriation for the support of the Michigan School for the Blind for the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight.

Appropriations. SECTION 1. *The People of the State of Michigan enact,* That there be and hereby is appropriated from the general fund the sum of twenty-seven thousand eight hundred dollars to meet the current expenses of the Michigan School for the Blind for the year eighteen hundred and eighty-seven, and the further sum of twenty-seven thousand eight hundred dollars to meet the current expenses of the Michigan School for the Blind for the year eighteen hundred and eighty-eight.

SALARIES, OFFICERS, AND EMPLOYÉS.

For salaries of officers.

Superintendent, one thousand six hundred dollars; steward, six hundred dollars; matron, three hundred dollars; seven domestics, one thousand one hundred dollars; baker, one hundred and fifty dollars; cook, two hundred dollars; teamster, four hundred and twenty dollars; watchman, six hundred dollars; man-of-all-work, four hundred and eighty dollars; visitors' attendant, one hundred dollars; eight teachers, three thousand two hundred and fifty dollars; medical expenses, two hundred and fifty dollars; nurse, two hundred dollars; groceries, seven hundred dollars; meat and fish, one thousand seven hundred and twenty-five dollars; butter, lard and eggs, nine hundred and seventy-five dollars; flour and meal, seven hundred and seventy dollars; vegetables and fruit, one thousand and thirty dollars; clothing and shoes and pupils' traveling expenses, four hundred and seventy-five dollars; fuel, three thousand dollars; lights, forty dollars; water supply and apparatus, six hundred dollars.

HEATING APPARATUS.

For heating.

Engineer, seven hundred and twenty dollars; fireman, four hundred and twenty dollars; general repairs and renewals, three hundred dollars.

LAUNDRY.

For laundry.

Washer-woman, three hundred dollars; ironer, two hundred and fifty dollars.

REPAIRS TO MACHINERY.

For repairs, machinery, etc.

Tubs, soap, starch, etc., two hundred and twenty-five dollars; kitchen and dining-room furniture, one hundred and twenty-five dollars; general furniture, two hundred dollars; bedding, three hundred and eighty dollars; repairs to buildings (including carpenter and materials, etc.), one thousand dollars; library, school

books and kindergarten, two hundred and fifty dollars; printing, stationery and postage, two hundred and ten dollars; live stock, one hundred and seventy-five dollars, including three cows, not exceeding in price fifty dollars each; farm and garden seeds, sixty-five dollars; tools, sixty-five dollars; wagons, carriages, harness, etc., one hundred and fifty dollars; general expenses, one thousand six hundred and fifty dollars; milk, six hundred dollars; musical instruments, music, etc., two hundred dollars; hay, straw and grain, one hundred and forty dollars; syrup and sugar, six hundred and fifteen dollars; broom shop, materials, wages, etc., one thousand and fifty dollars; girls' work-room, ninety-five dollars; electric lighting apparatus, fifty dollars.

SEC. 2. That the further sum of nine hundred and twelve dollars and seven cents be and is hereby appropriated from the general fund, for special purposes, to wit: To cover overdraft on brick chimney, eight hundred and four dollars and fifty-six cents; to cover overdraft on boilers, one hundred and seven dollars and fifty-one cents. For special purposes.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-seven the sum of twenty-seven thousand eight hundred dollars, and for the year eighteen hundred and eighty-eight the sum of twenty-seven thousand eight hundred dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be placed to the credit of the general fund to reimburse it for the sums appropriated by sections one and two of this act. Tax.

This act is ordered to take immediate effect.

Approved May 21, 1887.

[No. 115.]

AN ACT to amend section one of act number one hundred and seventy-seven of the session laws of eighteen hundred and eighty-one, entitled "An act relative to the delivery of grain by railway companies," approved May thirty-first, eighteen hundred and eighty-one, being compiler's section three thousand four hundred twenty-two of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number one hundred and seventy-seven of the session laws of eighteen hundred and eighty-one, entitled "An act relative to the delivery of grain by railway companies," approved May thirty-first, eighteen hundred and eighty-one, being compiler's section three thousand four hundred twenty-two of Howell's Annotated Statutes of Michigan, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 1. That all railway companies receiving or transporting grain in bulk, or otherwise, shall deliver the same to any con- Duty of railway companies relative to transporting grain.

Proviso.

Further
proviso.

signee thereof or to any elevator or public warehouse to which it may be consigned for a reasonable compensation. And any bill of lading, receipt or contract releasing such railway company from the responsibility or liability to deliver the same amount by weight as they received from the consignor shall be void: *Provided*, Such consignee, or the elevator, or the public warehouse can be reached by any track owned, leased, or used, or which can be used by such railway company; and all railway companies shall permit connections to be made with their track so that any consignee, and any elevator, and any public warehouse may be reached by the cars on said railway: *And provided further*, If any such corporation shall, upon the receipt by it of any grain for transportation, neglect or refuse to weigh and receipt for the same, the sworn statement of the shipper, or his agent having personal knowledge of the amount of grain so shipped, shall be taken as *prima facie* evidence of the amount shipped.

Approved May 21, 1887.

[No. 116.]

AN ACT to change the termination of the fiscal year of the State from September thirtieth to June thirtieth.

Fiscal year,
commencement
and termina-
tion.

SECTION 1. *The People of the State of Michigan enact*, That the present fiscal year of the State shall close June thirtieth, eighteen hundred and eighty-seven, and that thereafter the fiscal year shall commence July first and close June thirtieth.

Reports of
officers, boards,
etc., when to be
made.

SEC. 2. It shall be the duty of all officers, boards or institutions from whom annual or biennial reports are required, to make their several reports for the fiscal period, or periods, defined in section one of this act.

Acts repealed.

SEC. 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 21, 1887.

[No. 117.]

AN ACT to amend sections one hundred and seven, one hundred and nine and one hundred and eleven of chapter ten of the compiled laws of eighteen hundred and seventy-one, being sections six hundred and twenty-six, six hundred and twenty-eight and six hundred and thirty of Howell's Annotated Statutes of Michigan, relative to the appointment and qualification of notaries public and the duties of county clerks relative thereto.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one hundred and seven, one hundred and nine and one hundred and eleven of chapter ten of the compiled laws of

eighteen hundred and seventy-one, being sections six hundred and twenty-six, six hundred and twenty-eight and six hundred and thirty of Howell's Annotated Statutes of Michigan, relative to the appointment and qualification of notaries public and the duties of county clerks relative thereto, be amended so as to read as follows:

(626.) SEC. 1. The Governor, by and with the advice and consent of the Senate, may appoint one or more persons ^{Notaries public, how appointed.} notaries public in each county, who shall hold their offices, respectively, for four years, unless sooner removed by the Governor. And no person shall be eligible to receive such appointment unless he or she shall be, at the time of making each [such] application, a citizen of this State. The person desiring to be appointed shall make a written application, which shall be indorsed by a member of the Legislature, or some circuit or probate judge, and be presented to the Governor, accompanied by a fee of one dollar, which shall be paid to ^{Must be citizen of State.} the State Treasurer on the last day of December, March, June and September of each year, and placed to the credit of the general fund. ^{Application for, by whom endorsed.} Fee.

(628.) SEC. 2. The person so appointed shall, before entering upon the duties of his office, and within ninety days after receiving notice from the county clerk of his appointment, take and file with the county clerk the oath prescribed by the constitution, and the said clerk shall file the oath thus taken in his office, and on the last day of December, March, June and September in each year he shall transmit to the State Treasurer and to the Secretary of State a written list, containing the names of all persons to whom, during each preceding quarter he has delivered commissions, the date of filing their oaths and bonds, and their respective postoffice address [addresses] with his certificate that such persons have fully complied with the provisions of law in regard to their qualification for the discharge of the duties of the office of notary public; and said clerk, for all his services required by this act, shall be entitled to receive the sum of fifty cents from each person so qualifying: *Provided*, Whenever the county clerk of any county shall be appointed to the office of notary public, the oath of office required of him by the constitution shall be filed with the judge of probate of such county. ^{Oath of office.} ^{Duty of county clerk.}

(630.) SEC. 3. Upon the filing of the official oath and bond, ^{Idem.} as required in the two next preceding sections, the clerk shall deliver to the person so appointed the commission received by him for such person: *Provided*, That where such oath and bond shall have been filed with the judge of probate, as provided in the two next preceding sections, he shall give the same notice thereof to the Secretary of State as is required in this section to be given by the county clerk.

Approved May 23, 1887.

[No. 118.]

AN ACT to provide for the better protection of lives of passengers and employés on railroad trains.

Companies to make provisions against the burning of cars.

Methods of heating.

Stoves or heaters how to be placed, etc.

To be approved by commissioner of railroads.

How provisions of this act may be enforced.

SECTION 1. *The People of the State of Michigan enact*, That on and after the first day of November, eighteen hundred and eighty-eight, every railroad company owning or operating any railroad wholly or partly within this State, shall make some effective provision against the burning of cars in which passengers are carried, in some one or more of the following or other equally effective methods: By generating the heat for warming the cars outside and independent of said cars, or by enclosing the heater in a closet or room made of boiler-iron, or some other material which will afford equal protection against the car taking fire, or some device by which the fire will be effectively and quickly extinguished in case the car is overturned.

SEC. 2. No stove or heater shall be used in any car on which passengers are carried, or in any car which forms a part of a passenger train, unless the same shall be enclosed in a room or closet as provided in section one of this act; and the door or other opening of such room or closet, and of such stove or heater shall at all times be kept securely closed: *Provided*, That no heater, method or device shall be adopted or used until approved by the Commissioner of Railroads: *And provided further*, That the provisions of this act shall not apply to caboose cars run on any freight train.

SEC. 3. The provisions of this act may be enforced by any circuit court of this State in any county through which the railroad of any company refusing to comply with such provisions may run, upon the application of the Commissioner of Railroads, under such penalty as the said court may determine, of not less than one hundred dollars for each violation of the provisions of this act.

Approved May 23, 1887.

[No. 119.]

AN ACT to authorize suits to be brought at law or in equity against navigation companies organized under the laws of this State for the purpose of engaging in the business of maritime commerce or navigation within this State, or upon the frontier lakes or other navigable waters, natural or artificial, connected therewith, in the courts of any county in this State in which the boats of such company call and do business.

Suits, by whom and where commenced.

SECTION 1. *The People of the State of Michigan enact*, That suits may be commenced at law or in equity, tried and disposed of against navigation companies organized under the laws of this State for the purpose of engaging in the business of maritime commerce or navigation within this State, or upon the frontier lakes or other navigable waters, natural or artificial, connected

therewith, by any person, in the courts of any county in this State in which the boats of such company call and do business, in the same manner and with the like effect as if such suits were brought in the county within which the articles of association of such company are filed.

SEC. 2. Process in any such case may be served upon the captain or clerk of any boat of such company, or any officer or agent of such company found within the county where such suit is brought. Process, upon whom served.

This act is ordered to take immediate effect.

Approved May 23, 1887.

[No. 120.]

AN ACT to provide for the purchase of land and the erection of buildings for the use and benefit of the Eastern Michigan Asylum, and to make payment for the same out of the surplus moneys in the hands of the treasurer of said asylum.

SECTION 1. *The People of the State of Michigan enact, That* the board of trustees of the Eastern Michigan Asylum are hereby authorized to purchase for the use and benefit of said asylum a tract of land adjoining thereto, not exceeding ninety-three acres, and pay for the same out of any surplus moneys in the hands of the treasurer of said asylum: *Provided, That* no more than one hundred dollars per acre shall be paid for any land. Trustees authorized to purchase land with certain moneys.

SEC. 2. The board of trustees of the Eastern Michigan Asylum are hereby authorized to erect upon lands belonging to the said asylum two suitable buildings, each to accommodate not less than fifty persons, for the care of patients of a quiet class who can be accommodated outside of the present asylum buildings, and pay for the same out of any surplus moneys in the hands of the treasurer of said asylum, said buildings to cost, when finished complete, including heating apparatus, not to exceed thirteen thousand dollars each. To erect buildings with certain moneys.

This act is ordered to take immediate effect.

Approved May 23, 1887.

[No. 121.]

AN ACT to amend section three of chapter seven of act number two hundred and forty-three of the session laws of eighteen hundred and eighty-one, as amended by act number fifty-six of the session laws of eighteen hundred and eighty-three, being an act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State.

SECTION 1. *The People of the State of Michigan enact, That* section three of act number two hundred and forty-three of the Section amended.

session laws of eighteen hundred and eighty-one, as amended by act number fifty-six of the session laws of eighteen hundred and eighty-three, being an act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State, be and the same is hereby amended so as to read as follows:

Duty of commissioner when expenditure of over one thousand dollars necessary.

Question of raising money submitted to electors.

Limit of sum voted.

SECTION 3. Whenever, in the opinion of the commissioner, an exigency may exist requiring a greater expenditure than one thousand dollars for the building, rebuilding or repair of any bridge or bridges in his township, or whenever he shall be petitioned in writing by not less than fifteen freeholders thereof, he shall notify the township clerk thereof in writing, and the said clerk shall, within five days thereafter, call a meeting of the township board to consider the matter of said notice. And in case the exigency may be deemed to exist, the highway commissioner, with the township board, may order that any sum not exceeding one thousand dollars may be raised in addition to that already provided for in this act, and if, in the opinion of the said highway commissioner and township board, it shall be necessary to raise more than two thousand dollars, the said township board may order that the question of raising money for such building, rebuilding or repairs be submitted to the electors of said township. If the order be made within one month preceding the annual township meeting the question shall be submitted at such meeting, but otherwise a special meeting may be called and the township board may determine the form of notice as prescribed in the next section, and at such meeting the electors may vote a sum not exceeding one-half of one per cent in any one year on the assessed valuation of the real and personal estate of such township as may appear by the then last assessment for the purposes in this section specified.

Approved May 23, 1887.

[No. 122.]

AN ACT to provide for the purchase of land and the erection of buildings for the use and benefit of the Michigan Asylum for the Insane at Kalamazoo, and to make payment for the same out of the surplus moneys in the hands of the treasurer of said asylum.

Board of trustees authorized to purchase land.

To erect buildings.

SECTION 1. *The People of the State of Michigan enact*, That the board of trustees of the Michigan Insane Asylum at Kalamazoo are hereby authorized to purchase for the use and benefit of said asylum a tract of land known as the Hind's farm, or some other parcel of land equally available, for a sum not exceeding eighteen thousand dollars, and pay for the same out of any surplus moneys in the hands of the treasurer of said asylum.

SEC. 2. The board of trustees of the Michigan Asylum for the Insane at Kalamazoo are hereby authorized to erect upon lands

belonging to the said asylum two suitable buildings to accommodate not less than fifty patients each, for the care of patients of a quiet class who can be accommodated outside the present asylum buildings, and pay for the same out of any surplus moneys in the hands of the treasurer of said asylum, said buildings not to cost to exceed thirteen thousand dollars each, when completed, furnished and ready for occupancy. Said board of trustees are also authorized to erect on lands belonging to the said asylum a building containing store rooms, meat safe and refrigerator, and rooms for manufacturing mattresses and clothing, the same to be paid for out of any surplus moneys in the hands of the treasurer of said asylum, and said building to cost not to exceed six thousand eight hundred and fifty-three dollars.

Limit of cost of.

Other building authorized.

How paid for and cost of.

This act is ordered to take immediate effect.

Approved May 23, 1887.

[No. 123.]

AN ACT to amend section one of act number one hundred and twelve of the public acts of eighteen hundred and eighty-five, entitled "An act to secure the minority of stockholders, in corporations organized under general laws, the power of electing a representative membership in boards of directors."

SECTION 1. *The People of the State of Michigan enact*, That section one of act number one hundred and twelve of the public acts of eighteen hundred and eighty-five, entitled "An act to secure the minority of stockholders, in corporations organized under general laws, the power of electing a representative membership in boards of directors," being act one hundred and twelve of the session laws of eighteen hundred and eighty-five, be amended so as to read as follows:

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That in all elections for directors of any corporation organized under any general law of this State, other than municipal, every stockholder shall have the right to vote in person or by proxy, the number of shares of stock owned by him for as many persons as there may be directors to be elected; or to cumulate said shares, and give one candidate as many votes as will equal the number of directors multiplied by the number of shares of his stock; or to distribute them on the same principle among as many candidates as he shall think fit. All such corporations shall elect their directors annually, and the entire number of directors shall be balloted for at one and the same time and not separately: *Provided*, That associations formed for social yachting, hunting, boating, fishing and rowing purposes under an act entitled "An act to authorize the formation of clubs for social purposes," being act number twenty-two of the session laws of eighteen hundred and eighty-three, approved April tenth, eighteen hundred and eighty-three, or under section four thousand eight hundred and

Election of directors.

Right of stockholders in voting.

Time and manner of electing directors.

Proviso.

seventeen of Howell's Annotated Statutes, may elect a portion of their directors for a longer term than one year, as may be provided in their by-laws.

This act is ordered to take immediate effect.

Approved May 23, 1887.

[No. 124.]

AN ACT for the identification of convicts.

Record of
criminal history
of convicts to be
kept, etc.

SECTION 1. *The People of the State of Michigan enact*, That in every prison in this State to which persons convicted of any felonious offense are or may be committed for detention, the warden or other officer in charge shall enter upon a register to be kept for that purpose, the criminal history of every person so convicted, so far as the same may appear from the records of the criminal courts of this State, or of any other State, or to be otherwise attainable, and shall attach thereto a photograph of said convict.

Register, how
and to whom
accessible.

SEC. 2. That the register herein provided for shall not be made public, but shall be accessible to any officer of any court having criminal jurisdiction in this State, upon application of the judge of the court or the prosecuting attorney of the county, attested by the seal of the court.

Copy of, may be
furnished other
States.

SEC. 3. That a copy of the history and photograph of any convict entered upon the said register shall be furnished, upon request, to any warden of a prison for felons in any other State who may make application for the same: *Provided*, That he shall first agree and consent to give in exchange therefor a similar history and photograph of any convict in his charge.

Proviso.

Approved May 23, 1887.

[No. 125.]

AN ACT to provide for the completion and furnishing of the State House of Correction and branch of the State Prison at Marquette, in the Upper Peninsula, and to make an appropriation therefor.

Appropriations.

SECTION 1. *The People of the State of Michigan enact*, That the sum of seventy-five thousand seven hundred and twelve and nine-one hundredths dollars be, and the same is hereby appropriated from the general fund for completing and furnishing the State House of Correction and branch of the State Prison at Marquette, in the Upper Peninsula, in the manner following, and for no other purpose:

FOR CELL BLOCK NUMBER TWO.

Purposes of.

One thousand two hundred cubic yards of excavation, at twenty cents, two hundred and forty dollars; seven hundred and

thirty perch stone work, at two dollars, fourteen hundred and sixty dollars; five hundred and fifty thousand brick laid in cement, at eighteen dollars, nine thousand nine hundred dollars; one thousand one hundred and fifty-two yards concrete, at fifty cents, five hundred and seventy-six dollars; stone ceiling for cells, one thousand four hundred dollars; one hundred and fifty-six door sills and lintels, at four dollars, six hundred and twenty-four dollars; one thousand six hundred and forty yards of plastering with iron lath, at sixty cents, nine hundred and eighty-four dollars; iron work, seven thousand and sixty-five dollars; plumbing, two hundred dollars; ventilating pipes, three hundred and fifty-one dollars; painting, two hundred dollars; total, twenty-three thousand dollars; for barn, forty feet by one hundred feet, with stone foundation and cellar outside of wall, one thousand five hundred dollars; ice house, pig pen, hen house and ash house, one thousand dollars; total, two thousand five hundred dollars; two main entrance gates with gear machinery to open and shut, one thousand two hundred dollars; common watch tower and connecting walls to building, three thousand eight hundred dollars; total, five thousand dollars.

WATER SUPPLY.

Eighty acres of land, as described in annual report to Governor, two thousand eight hundred dollars; dam of stone and making reservoir, one thousand dollars; four thousand feet of main supply pipe, part of it through rock cutting, at one dollar and fifty cents, six thousand dollars; hydrants and connections, seven hundred dollars; branch pipes to hydrants and buildings, one thousand five hundred dollars; total, twelve thousand dollars.

LIGHTING PURPOSES.

One ten by twelve engine, set up complete, one thousand two hundred dollars; two thirty-light dynamos, three thousand dollars; lamp fixtures and making connections, two thousand three hundred dollars; total, six thousand five hundred dollars.

HEATING.

Boiler (set up complete), radiators, pipes, heating and ventilating, twelve thousand dollars; railing around instruction room, as per plans, five hundred dollars; brick conduit outside of buildings for conveying steam and water pipes, made of brick laid in cement, six feet by six feet inside, one hundred and fifty-five feet long, one thousand two hundred dollars; smoke stack eighty feet high, six feet drain, inside brick, with stone foundations, two thousand five hundred dollars; seats and tables for three hundred and twelve in dining-room, three hundred dollars; seats and platform in chapel and gallery, and furniture for offices in rotunda, nine hundred dollars.

FURNISHING ADMINISTRATION BUILDING.

Warden's office, two hundred dollars; business office, including safe, five hundred dollars; dining-room, deputy's department, one hundred and fifty dollars; kitchen, three hundred dollars; dining room, warden's department, one hundred and fifty dollars; sitting-room, warden's department, one hundred and fifty dollars; kitchen, warden's department, three hundred dollars; halls, two hundred and fifty dollars; ten bed-rooms, one thousand dollars.

FURNISHING MAIN KITCHEN.

Ranges, etc., laundry attachments and bake oven, two thousand five hundred dollars; hospital furnishings and doctor's office, one thousand dollars.

FURNISHING THREE HUNDRED AND TWELVE CELLS.

Iron bedsteads, mattress, two blankets, two sheets, one pillow and two covers and bucket, three thousand one hundred and twenty dollars; inside blinds for administration building, sixty-eight windows, as per contractor's schedule, six hundred and eighty dollars.

STOCK, HORSES, COWS, WAGONS, ETC.

Six horses, at two hundred dollars, one thousand two hundred dollars; three wagons, at sixty dollars, one hundred and eighty dollars; four carts and harnesses, at thirty dollars, one hundred and twenty dollars; ten cows, at forty dollars, four hundred dollars; pigs, one hundred and fifty dollars; tools, plows, wheelbarrows and scrapers, three hundred and thirty dollars; hose cart and hose, one thousand two hundred dollars; boiler and setting for lighting, one thousand five hundred dollars; engine, two thousand dollars; mechanical tools, carpenters' and blacksmiths', one thousand dollars; architect per diem and expenses, two thousand dollars; superintendent of construction, twenty months, two thousand five hundred dollars; secretary, two years and two months, one thousand three hundred dollars; contingent expenses, one thousand five hundred dollars; total, ninety-two thousand and eighty dollars; less surplus in hand as per report, sixteen thousand three hundred and sixty-seven dollars and ninety-one cents; total, seventy-five thousand seven hundred and twelve dollars and nine cents.

Tax.

SEC. 2. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and eighty-seven the amount appropriated by section one of this act, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which, when collected, shall be passed to the credit of the general fund to reimburse the same for the sum appropriated by section one of this act.

This act is ordered to take immediate effect.

Approved May 23, 1887.

[No. 126.]

AN ACT to amend section fifty-three of an act entitled "An act to regulate and govern the State House of Correction and Reformatory at Ionia," as amended by act number twenty-four of the session laws of eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact*, That Section amended. section fifty-three of an act entitled "An act to regulate and govern the State House of Correction and Reformatory at Ionia," as amended by act number twenty-four of the session laws of eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

SEC. 53. When any person shall be discharged from the institution by pardon or otherwise, the warden shall furnish such inmate with clothing, if he be not already provided for, not exceeding ten dollars in value, and transportation ticket to the regular railroad, or boat station nearest to his place of residence, if it be within this State; if he have no place of residence in this State then to such place within the State as the warden may deem best. Such transportation ticket shall have written upon it the name of the inmate to whom furnished, together with the words "not transferable to any other person," and the board of managers of such institution shall make such contract with the several transportation companies relative to purchase and form of tickets as shall in their judgment be advisable and according to law. The warden may, in his discretion, pay such discharged convict a sum of money, not exceeding three dollars in any case, and to place him on board the cars at Ionia at the proper time of day, and any person other than the one named in such ticket found riding on same shall be deemed guilty of a misdemeanor. Discharged convicts to be furnished clothing and transportation tickets.

This act is ordered to take immediate effect.

Approved May 25, 1887.

Form of ticket.

Use of tickets by other than ex-convicts a misdemeanor.

[No. 127.]

AN ACT to amend section three of act number two hundred of the session laws of one thousand eight hundred and eighty-five, being an act entitled "An act to establish an advisory board in the matter of pardons."

SECTION 1. *The People of the State of Michigan enact*, That Section amended. section three of act number two hundred of the session laws of one thousand eight hundred and eighty-five, being an act entitled "An act to establish an advisory board in the matter of pardons," be amended so as to read as follows:

SEC. 3. Before entering upon the discharge of their duties each member of said board shall take and subscribe before some person authorized to administer oaths, the constitutional oath of office, and file the same in the office of the Secretary of State. The said board shall keep its office and records at the Executive Oath of office of members of board. Office of board.

Clerk of board. Office in Lansing, and the Executive Clerk of the Governor shall be clerk of said board and shall receive as compensation for such additional services as clerk of such board a salary not to exceed four hundred dollars per annum.

This act is ordered to take immediate effect.

Approved May 28, 1887.

[No. 128.]

AN ACT for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same.

Persons intend-
ing marriage
must obtain
license from
county clerk. SECTION 1. *The People of the State of Michigan enact*, It shall be necessary for all parties, intending to be married, to obtain a marriage license from the county clerk of the county in which either the man or woman resides, and to deliver the said license to the clergyman or magistrate who is to officiate, before the marriage can be performed.

Secretary of
State to furnish
forms, blanks,
etc. SEC. 2. Blank forms for marriage license and certificate, as also proper books of registration, ruled for the items contained in said forms, shall be prepared by the Secretary of State, and shall be furnished by him to the county clerk [clerks] of the various coun-

Form of license. ties of the State in quantities needed. The blank forms for license and certificate shall be made in duplicate and shall provide spaces for the entry of the following items, to wit: The full name, age, color, place of residence, place of birth, occupation, and if known, the father's name, and mother's maiden name, of each of the parties to be married; the number of times either of the parties may have been previously married; the bride's maiden name, in case she is a widow; the date of the giving of the license; the signature of the county clerk; the date and place of the marriage; the names and residences of two witnesses to the marriage; and the certification of the officiating clergyman or magistrate, that the marriage contemplated by the license has been performed by him. And the Secretary of State shall furnish to the county clerks of the various counties of the State, blank forms of affidavit, containing the requisite allegations, under the laws of this State, of the competency of the parties to unite in the bonds of matrimony, and any party applying for license to marry, shall cause such an affidavit to be made and filed with the county clerk, as a basis for the issuing of the license; and such affidavit, together with the license, shall be made a matter of record of said clerk's office.

Secretary of
State to furnish
to county clerks
blank forms of
affidavit, etc.

Duty of county
clerk.

SEC. 3. It shall be the duty of the county clerk, on application being made to him, to fill out the blank spaces of the license according to the sworn answer [answers] of the applicant, taken before him or some persons duly authorized by law to administer oaths. If it shall appear that the parties are legally entitled to be married, the county clerk shall sign the license in certification of the fact.

that it is properly issued, and he shall make a correct copy thereof in the books of registration. For his services connected therewith he shall be entitled to a fee of fifty cents, to be paid by the party applying and at the time of the issuing of the license. He shall give the license, thus filled out and signed by him, together with the blank form of certificate to the party applying, for delivery to the clergyman or magistrate who is to officiate at the marriage. On the return of the license to the county clerk (as specified in section four, below) with the certificate of the clergyman, or magistrate, that the marriage has been performed, he shall record in the book of registration, in their proper places of entry, the date and place of the marriage, the names and residences of two witnesses to the marriage, and the name of the officiating clergyman or magistrate. All licenses and certificates so issued and returned shall be preserved on file in the office of the county clerk, and he shall, as often as once in three months, make a faithful report to the Secretary of State of all licenses and certificates issued and received by him.

Licenses and certificates where filed, etc.

SEC. 4. It shall be the duty of the clergyman or magistrate, officiating at a marriage, to fill out the spaces of the certificate left blank for the entry of the time and place of the marriage, the names and residence [residences] of two witnesses, and his own signature in certification that the marriage has been performed by him. He shall separate the duplicate license and certificate, and retain one-half for his own record, and he shall return the other half within ten days to the county clerk issuing the same.

Duty of officiating clergyman or magistrate.

SEC. 5. Any county clerk who shall refuse to give a license to persons properly applying and legally entitled to be married, or who shall violate any of the provisions of this act, shall be adjudged guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars, or in default of payment thereof, by imprisonment in the county jail for a term of thirty days.

Penalty for violating act by county clerk.

SEC. 6 Any clergyman or magistrate who shall join together in marriage parties who have not delivered to him a properly issued license, as provided for in this act, or who shall violate any of the provisions of this act, shall be adjudged guilty of a misdemeanor, and shall be punished by a fine of one hundred dollars, or in default of payment thereof, by imprisonment in the county jail for a term of ninety days.

Penalty for violation, by clergyman, etc.

SEC. 7. Any person, whose duty it shall be to return a marriage certificate to the county clerk, who shall neglect to return said certificate, shall be adjudged guilty of a misdemeanor, and shall be punished by a fine of not exceeding one hundred dollars or ninety days' imprisonment, or both, in the discretion of the court.

Penalty for neglect to return certificate

SEC. 8. Any person applying for a marriage license who shall swear to a false statement therein, shall be guilty of perjury, and shall be prosecuted therefor under the general laws of the State.

False swearing in application, perjury.

SEC. 9. All reports of marriage sent by the county clerks of the various counties of the State to the office of the Secretary of

Filing and recording of reports.

State shall be preserved on file in that office, and a proper record thereof shall be made and kept.

Records of
license, etc.,
prima facie
evidence.

SEC. 10. The record of any license to marry, or of any marriage certificate, in any county clerk's office, or a certified copy thereof, shall be *prima facie* evidence in any court or proceedings in this State, with the same force and effect as if the original were produced, both as to the facts therein contained and as to the genuineness of the signatures thereto.

Acts repealed.

SEC. 11. All other acts and parts of acts which are inconsistent herewith are hereby repealed.

Approved May 31, 1887.

[No. 129.]

AN ACT to prevent the carrying of concealed weapons, and to provide punishment therefor.

Unlawful to
carry concealed
weapons.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person, except officers of the peace and night-watches legitimately employed as such, to go armed with a dirk, dagger, sword, pistol, air-gun, stiletto, metallic knuckles, pocket-billie, sand-bag, skull-cracker, slung-shot, razor, or other offensive and dangerous weapon or instrument concealed upon his person.

Punishment
for violation.

SEC. 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail or the house of correction at Detroit not exceeding three months, or by both such fine and imprisonment, in the discretion of the court, and in addition thereto may be required to enter into recognizance with sufficient sureties in such sum as the court may order, not exceeding one thousand dollars, to keep the peace, and be of good behavior for a period not exceeding one year: *Provided*, The provision relative to the sentencing of prisoners to the Detroit House of Correction shall apply only to Wayne county.

Proviso.

Approved May 31, 1887.

[No. 130.]

AN ACT to amend section ten of chapter eleven of act number two hundred and forty-three of the public acts of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section ten of chapter eleven of act number two hundred and forty-three of the public acts of eighteen hundred and eighty-one,

entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," the same being section fourteen hundred and twenty-one of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

CHAPTER XI.

SECTION 10. If any overseer shall be employed more days in executing the several duties enjoined upon him by this act than he is assessed to work on the highways, he shall be paid for the excess at the rate of one dollar per day, and be allowed to retain the same out of any moneys that may come into his hands for delinquencies or commutations, or shall be paid out of the road and bridge fund in his road district.

Compensation
for extra work
by overseer.

Approved May 31, 1887.

[No. 131.]

AN ACT to amend an act entitled "An act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties, and to repeal chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one, and also act number ninety-four of the session laws of eighteen hundred and seventy-one, approved April twelve, eighteen hundred and seventy-one," approved April fifteen, eighteen hundred and seventy-three, by adding a new section thereto to stand as section twenty-three.

SECTION 1. *The People of the State of Michigan enact, That* an act entitled "An act to provide for the incorporation of mutual fire insurance companies and defining their powers and duties, and to repeal chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one, and also act number ninety-four of the session laws of eighteen hundred and seventy-one, approved April twelve, eighteen hundred and seventy-one," approved April fifteen, eighteen hundred and seventy-three, the said act being chapter one hundred and thirty-two of Howell's Annotated Statutes, be and the same is hereby amended by adding a new section thereto, to stand as section twenty-three, and to read as follows:

Section added.

SEC. 23. Any mutual fire insurance company of this State, lawfully doing business at the time this section shall take effect, or organized under the act of which this is amendatory, may, at any time within two years next preceding the expiration of its charter, by a two-thirds vote of the members present at any annual meeting, or at any special meeting called for the purpose, determine to extend its corporate existence for a period not exceeding thirty years from the date of the expiration of its charter, and thereupon the corporate existence of said mutual fire insurance company shall be extended as so determined, and such deter-

Extension of
corporate ex-
istence.

Proviso re-
quiring state-
ment of
proceedings
to be presented
to Attorney
General.

Further proviso
as to notice to
members.

mination shall be deemed a re-organization of such company, and it shall succeed to all the rights and be subject to all the liabilities of the corporation so re-organized, and it shall not be necessary to change the policies or books or mode of the doing of the business of the said company: *Provided*, That a statement of the proceedings to re-organize such company by the making of such determination, duly certified by the officers of the meeting so determining, shall be presented to the Attorney General for his approval, and be approved by him, and such certified proceedings and approval be filed in the office of the Commissioner of Insurance of this State before the expiration of the term of the corporate existence of such mutual fire insurance company: *And provided further*, That a written or printed notice of such determination shall be mailed to each member of said company at least sixty days before the expiration of the charter, and that it shall be the right of any member of the company, who shall give notice to the secretary before the time of the expiration of said charter, to withdraw from said company at that time, he remaining liable for his equitable share of the losses incurred to that date, or entitled to his equitable share of any surplus fund which, after the payment of all debts and liabilities to that date, may remain in the hands of the treasurer of the company, as the case may be.

Approved May 31, 1887.

[No. 132.]

AN ACT to provide for the punishment of crimes committed by any person while confined or before the expiration of his sentence in any of the penal institutions of this State.

Punishment of
convicts for
crime.

SECTION 1. *The People of the State of Michigan enact*, That any convict or person now or hereafter confined in the State House of Correction and Reformatory at Ionia, the State Industrial Home for Girls at Adrian, and the Detroit House of Correction at Detroit, the Reform School at Lansing, the State Prison at Jackson and the Upper Peninsula branch thereof at Marquette, and who, during the term of such confinement, shall commit any crime punishable under the laws of this State by imprisonment in any of the aforesaid institutions, shall be subject to the same punishment as if the crime had been committed at any other place, or by a person not so confined.

Circuit court
to have juris-
diction.

Examination.

Warrant.

SEC. 2. The circuit court of the county in which such offense shall have been committed shall have jurisdiction over cases arising under the foregoing section, and the proceedings thereto pertaining shall in all ways conform to the law and rules in case of like offenses occurring elsewhere, except that the examination may be held in one of the offices of the penal institution where the crime was committed, at the option of the justice of the peace before whom the complaint may be made, and that the warrant, which shall be made in the ordinary form, shall be directed to

the warden or keeper of such institution, if the offender be confined therein, and shall set forth that the accused is imprisoned in such institution under and by the authority of the laws of the State of Michigan; and further, that the convict so confined shall remain in the custody of such warden or keeper subject to the order of the justice of the peace before whom proceedings are commenced, or of the circuit court of the county in which such penal institution is located.

SEC. 3. If on the trial of any such cause the accused shall be found guilty, the term of sentence imposed for such offense may, at the discretion of the court pronouncing judgment in such cause, commence forthwith, or at the expiration of the term or terms of sentence such accused convict may be serving at the time of the commission of the offense for which he may be committed, or if such term or terms shall have expired at the time of such sentence, then at the time fixed therein. Term of sentence imposed on conviction.

SEC. 4. All costs and expenses incurred under the provisions of this act, except pay of circuit judges and prosecuting attorneys, shall be paid by the State of Michigan. Costs, how paid.

This act is ordered to take immediate effect.

Approved May 31, 1887.

[No. 133.]

AN ACT to amend section ten of chapter one hundred and seventy-two of the compiled laws of eighteen hundred and seventy-one, as amended by act number seven of the session laws of eighteen hundred and seventy-seven and act number four of the public acts of eighteen hundred and eighty-three, relative to testamentary guardians.

SECTION 1. *The People of the State of Michigan enact, That* section four thousand eight hundred and nineteen of the compiled laws of eighteen hundred and seventy-one, being section ten of chapter one hundred and seventy-two, as amended by act number seven of the session laws of eighteen hundred and seventy-seven, and act number four of the public acts of eighteen hundred and eighty-three, relative to testamentary guardians, be amended so as to read as follows: Sections amended.

(§4819.) SEC. 1C. Every father may, by his last will in writing, appoint a guardian or guardians for any of his children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for any less time, and every such testamentary guardian shall have the same powers and shall perform the same duties with regard to the person and estate of the ward as a guardian appointed by the judge of probate: *Provided*, That when the mother of such children shall survive the father, the appointment of guardian by such will shall not be operative until approved by the judge of probate, and after opportunity afforded to the mother to show cause in opposition Father may appoint guardian by will. Proviso relative to approval of appointment by judge of probate.

Further proviso
relating to ap-
pointment by
mother.

Further
proviso.

thereto. An appeal shall lie from the order of approval of the judge of probate as in cases of other orders and decrees of the probate court: *And provided further*, That the mother of a child whose father died without making an appointment of a guardian as above provided, and for whom no guardian has been otherwise appointed, may, by her last will in writing, appoint a guardian or guardians of such child, the same as the father might have done under the provisions of this section: *And provided further*, That when both father and mother are dead, and where it appears that the father or mother attempting to appoint such testamentary guardian was not a resident of this State, and had not the custody or control of such infant or infants prior to his or her death, but that such infants were under the lawful control of citizens of this State for one year or upwards prior to such death, or when a citizen of this State shall have lawful custody of an orphan child or children, and shall have been appointed guardian thereof by the probate court of the county where said child or children reside, it shall not be competent by will to transfer such control from such citizen or from the guardian so appointed to the testamentary guardian, and all wills heretofore made shall be subject to the provisions of this act.

This act is ordered to take immediate effect.

Approved June 1, 1887.

[No. 134.]

AN ACT making an appropriation for the support of the State Agricultural College, for the erection and repair of buildings and other improvements at said College, for the years one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight;

Appropriation
and purposes of.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State Treasury for drainage and permanent improvements, eight hundred dollars; for iron bridge over Cedar river and approaches thereto, one thousand dollars; for hand implements, two hundred dollars; for two-horse cultivator, thirty-five dollars; for two sets harness, fifty dollars; for two plows, thirty dollars; for lumber for fencing and repairs, two hundred dollars; for furniture and fixtures for farm house, two hundred dollars; for twelve-horse power engine and boiler, five hundred dollars; for apparatus for class-room, three hundred dollars; for experimental work, five hundred dollars, for the year one thousand eight hundred and eighty-seven only; for the improvement of live stock, thirty per cent of the sales of said stock may be used; for the mechanical department, four thousand dollars; for the horticultural department, one thousand dollars; for greenhouse, three hundred and forty dollars; for the botanical department, eight hundred dollars; for the veterinary department, two hundred dollars; for

the chemical department, two thousand dollars; for the zoölogical department, one thousand five hundred dollars; for steam works, four thousand five hundred dollars; for the mathematical and engineering department, six hundred dollars; for the English department, one hundred dollars; for the military department, five hundred dollars; for library, three thousand dollars; for farmers' institutes, six hundred dollars; for fire escapes for dormitories, five hundred dollars; for painting and repairing greenhouse, four hundred dollars; for addition to greenhouse dwelling, four hundred dollars; for incidental repairs, one thousand dollars; for culvert and embankment in place of rustic bridge, two hundred and fifty dollars; for barn for horticultural department, five hundred dollars; for laboratory for horticultural department, five thousand dollars; for addition to mechanical building, three thousand dollars; for barn at Prof. McLenth's house, two hundred dollars; for dormitories and boarding arrangements for sixty-four students, ten thousand dollars; for apartment building for professors and their families, ten thousand dollars; for extending water works system, two thousand dollars; for artesian well, one thousand dollars; for student labor, eight thousand dollars; a total of sixty-five thousand two hundred and five dollars, of which thirty-seven thousand six hundred and two dollars and fifty cents shall be paid during the year one thousand eight hundred and eighty-seven, and twenty-seven thousand six hundred and two dollars and fifty cents shall be paid in the year one thousand eight hundred and eighty-eight, which said moneys provided by this act, or so much thereof as may be necessary, shall be expended under the direction of the State Board of Agriculture for the purposes aforesaid, and shall be drawn from the treasury on presentation of the proper certificate of said board to the Auditor General, and on his warrants to the State Treasurer: *Provided*, That it shall be the duty of the State Board of Agriculture to fix such tuition fee for non-resident students as shall in its judgment compensate for the extra expense of accommodating such students.

Total amount
when to be paid.

How expended.

SEC. 2. There shall be assessed upon the taxable property of Tax. the State in the year one thousand eight hundred and eighty-seven the sum of thirty-seven thousand six hundred and two dollars and fifty cents, and in the year one thousand eight hundred and eighty-eight the sum of twenty-seven thousand six hundred and two dollars and fifty cents, to be assessed and levied in like manner as other taxes are assessed, levied and paid, which tax, when collected, shall be credited to the general fund to reimburse to the same the sums to be drawn therefrom as provided for in this act.

This act is ordered to take immediate effect.

Approved June 2, 1887.

[No. 135.]

AN ACT making an appropriation for continuing the frescoing and decorations of the walls, corridors and rooms in [of] the State Capitol.

Appropriation
and purpose of.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty thousand dollars, or so much thereof as may be necessary, be, and the same hereby is appropriated out of the general fund in the treasury not otherwise appropriated, for the purpose of continuing the frescoing and decorating of the walls, corridors and rooms of the State Capitol.

Board of State
Auditors, a com-
mission to
superwise and
control work,
etc.

SEC. 2. The Board of State Auditors shall constitute a commission to supervise and control the work mentioned in this act, and are hereby authorized to enter into a contract for the continuation of the frescoing and decoration of the walls, corridors and rooms of the State Capitol upon the same general plan and design as pursued heretofore, and shall have the right to reject any and all proposals submitted, and shall award the contract to such person or persons, and in such manner as they shall deem for the best interests of the State: *Provided*, That such person or persons shall be a citizen or citizens of the United States, or of the State of Michigan, or a resident or residents of this State, who shall have declared his or their intentions according to law to become such citizen or citizens: *And provided further*, That no person or persons shall be employed upon said work but such as are citizens of the United States or of this State, or residents of this State who have declared their intention to become such citizens.

Proviso.

Further
proviso.

Bond required.

Manner of mak-
ing payments on
account of con-
tract.

SEC. 3. The commission shall require of him or them a bond to be approved by them, conditioned for the faithful performance of said contract. Payments on account of said contract shall be made in the manner following, to-wit: An itemized estimate of all articles or labor furnished by said contractors [contractor] shall accompany each voucher for the same and be submitted to the board at any stated meeting of said board, and if it shall appear to said board that the estimate and vouchers submitted are correct and in accordance with the contract they shall audit and allow the same, reserving twenty per cent of each estimate to remain in the State treasury until the completion and acceptance of the entire contract.

This act is ordered to take immediate effect.

Approved June 3, 1887.

[No. 136.]

AN ACT to provide for blowers in establishments where emery wheels or emery belts are used. ~~Repealed~~

SECTION 1. *The People of the State of Michigan enact*, That all factories and workshops where emery wheels or emery belts, of

any description, are used, either solid emery, leather, leather-covered, felt, canvas, linen, paper or wheels rolled in emery or corundum, shall be provided with blowers or similar apparatus, which shall be placed over, beside or under said wheels, in such manner as to carry away the dust arising from said emery wheels while in operation, directly to the outside of the building, or some receptacle placed so as to receive such dust.

Factories using emery wheels, etc., to provide blowers, etc.

SEC. 2. Any person, company or corporation who shall wilfully neglect or refuse to comply with the provisions of this act shall, for each offense, forfeit the sum of one hundred dollars, to be recovered in an action of debt in any court of competent jurisdiction.

Penalty for neglect.

SEC. 3. Nothing in this act shall apply to factories, saw mills, shingle mills, and workshops in which such wheels or belts are occasionally used and only by men not especially employed for that purpose.

Exceptions.

Approved June 3, 1887.

[No. 137.]

AN ACT to amend sections nine and ten of chapter one hundred and seventy of the compiled laws of Michigan of eighteen hundred and seventy-one, being compiler's sections six thousand two hundred and thirty-one and six thousand two hundred and thirty-two of Howell's Annotated Statutes of Michigan, relative to divorce, and to add three new sections to said chapter to stand as sections forty-four, forty-five and forty-six.

SECTION 1. *The People of the State of Michigan enact*, That sections nine and ten of chapter one hundred and seventy of the compiled laws of Michigan of eighteen hundred and seventy-one, being compiler's sections six thousand two hundred and thirty-one and six thousand two hundred and thirty-two of Howell's Annotated Statutes of Michigan, relative to divorce, be and the same are hereby amended so as to read as follows: and further, that three new sections be added to said chapter to stand as sections forty-four, forty-five and forty-six.

Section amended.

Sections added.

SEC. 9. No divorce shall be granted unless the party exhibiting the petition or bill of complaint therefor shall have resided in this State one year immediately preceding the time of exhibiting such petition or bill, or unless the marriage was solemnized in this State, and the complainant shall have resided in this State from the time of such marriage to the time of exhibiting the petition or bill, and when the cause for divorce occurred out of this State, no divorce shall be granted unless the complainant or defendant shall have resided within this State two years next preceding the filing of the petition or bill, and no proofs or testimony shall be taken in any cause until four months after the filing of such petition or bill for divorce, except where the cause

In what cases divorce not to be granted.

for divorce is desertion, or when the testimony is taken conditionally for the purpose of perpetuating such testimony.

Idem.

SEC. 10. No divorce shall be decreed in any case when it shall appear that the petition or bill therefor was founded in or exhibited by collusion between the parties; and the oath or affirmation administered to the complainant in swearing to such petition or bill shall, in addition to all other legal requirements, recite the following: "And you do solemnly swear (or affirm), that there is no collusion, understanding or agreement whatever between yourself and the defendant herein in relation to your application for divorce." And no divorce shall be decreed in any case where the party complaining shall be guilty of the same crime or misconduct charged against the respondent.

Oath of complainant.

When certain questions shall be asked in taking testimony.

SEC. 44. In all suits for divorce, if any of the testimony in the case is taken before a circuit court commissioner, or by stipulation before any other officer, it shall be the duty of such commissioner, or other officer, to ask of each and every witness sworn by and before him in such cause the following question [questions] which shall be reduced to writing in the testimony: "Do you know of any fact, matter or circumstance, which will in any way tend to weaken complainant's case for divorce? If so, state the same particularly and fully;" and the answer of the witness to such question shall be reduced to writing by the said commissioner, or other officer, *verbatim* as far as possible, and the question and answer shall be returned to the court with the other testimony in the case.

*What bill of complaint shall set forth, etc.
In case of children under 14, prosecuting attorney to appear for.*

SEC. 45. Every bill of complaint filed shall set forth the names and ages of all children of the marriage, and when there are children under fourteen years of age a copy of subpoena issued in the cause shall be served upon the prosecuting attorney of the county where suit is commenced, and it shall be the duty of said prosecuting attorney to enter his appearance in said cause, and when, in his judgment, the interest of said children or the public good so require, he shall introduce evidence, and appear at the hearing and oppose the granting of a decree of divorce. For every case which the prosecuting attorney contests by and with the consent of the court he shall receive the sum of five dollars, to be paid by the county treasurer upon the certificate of the circuit judge that such services have been performed: *Provided*, That nothing in this act contained shall be construed as preventing prosecuting attorneys or their partners from acting as solicitors or counsel for either party to the suit. And in case a prosecuting attorney shall be in any way interested as solicitor or counsel for either of said parties it shall be the duty of the court to appoint some reputable attorney to perform the services of prosecuting attorney, as provided in this act, who shall receive the compensation provided for such service.

Compensation of prosecuting attorney.

Proviso.

Court may fix the time in which re-marriage shall not take place.

SEC. 46. The court granting a decree of divorce may provide in such decree that the party against whom any divorce is granted shall not marry again within such time as shall be fixed by the court, which time shall be set out in the decree: *Provided*,

That such time shall not exceed the period of two years from the time such decree is granted. And in case any person shall marry contrary to the time set out in such decree said party shall be deemed to have committed the crime of bigamy and shall be subject to the pains and penalties therefor.

Provided as to limit of time and penalty for violation.

Approved June 3, 1887.

[No. 138.]

AN ACT to amend section three of chapter forty-one of the compiled laws of eighteen hundred and seventy-one, being compiler's section one thousand five hundred and ninety-four of Howell's Annotated Statutes of Michigan "with reference to interest of money."

SECTION 1. *The People of the State of Michigan enact.* That section three of chapter forty-one of the compiled laws of eighteen hundred and seventy-one, being compiler's section one thousand five hundred and ninety four of Howell's Annotated Statutes of Michigan "with reference to interest of money," be and the same is hereby amended so as to read as follows:

Section amended.

(§1594.) SEC. 3. The interest of money shall be at the rate of six dollars upon one hundred dollars for a year, and at the same rate for a greater or less sum, and for a longer or shorter time, except that in all cases it shall be lawful for the parties to stipulate in writing for the payment of any rate of interest, not exceeding ten per cent per annum: *Provided*, That this act shall not apply to existing contracts, whether the same be either due, not due or past due.

Rate of interest.

What rate parties may stipulate for.

Approved June 3, 1887.

[No. 139.]

AN ACT to amend section three of act number two hundred and thirty-three of the public acts of eighteen hundred and eighty-five, entitled "An act relative to suits for libel," approved June twenty, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact,* That section three of act number two hundred and thirty-three of the public acts of eighteen hundred and eighty-five, entitled "An act relative to suits for libel," approved June twenty, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 3. The words "actual damages" in this act shall be construed to include all damages the plaintiff may show he has suffered in respect to his property, business, trade, profession or occupation, and no other damages.

Words "actual damages" how construed.

Approved June 3, 1887.

[No. 140.]

AN ACT to amend sections fifteen and sixteen, chapter one hundred and ninety-two, of the compiled laws of eighteen hundred and seventy-one, being compiler's sections seven thousand six hundred and seventy-four and seven thousand six hundred and seventy-five of Howell's Annotated Statutes of Michigan, relative to judgments and executions, so as to confer the power of appointment of persons therein named upon circuit judges, and to extend such power to the service of all processes in any proceeding at law or in equity.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact.* That sections fifteen and sixteen, chapter one hundred and ninety-two, of the compiled laws of eighteen hundred and seventy-one, being compiler's sections seven thousand six hundred and seventy-four and seven thousand six hundred and seventy-five, relative to judgments and executions, so as to confer the power of appointment of persons herein named upon circuit judges, and to extend said power to the service of all processes in any proceeding at law or in equity be amended to read as follows:

Circuit judge in
certain cases
may appoint
persons to
serve processes,
etc.

(§7674.) SEC. 15. The judge of any circuit court of this State may in any suit or proceeding at law or in chancery commenced or pending therein, on the application of any party thereto by petition signed by such party or by his attorney or agent, duly verified, showing the facts, appoint some disinterested person to serve any process or other papers, original or final, or to do any act therein which the sheriff by law might do in said cause, in cases where the sheriff and coroners of the county are parties, or interested. or incapacitated to act; such appointment shall be made in writing under the hand of the judge, and filed in the cause; and the person so appointed shall have the same power conferred upon him, and proceed in the same manner prescribed for the sheriff in the performance of like duties; the fees payable to such person shall be the same as those payable to sheriffs by virtue of the provisions of law in that behalf for like services. Such judge may, in his discretion, require the person so appointed before acting under said appointment, to give a bond to the people of this State in such penal sum, and with such surety or sureties as such judge may approve, conditioned for the faithful performance and execution by such person of his duties in such case, without fraud, deceit or oppression, and for the payment of all moneys that may come into his hands by virtue of such appointment.

Appointment
and power, etc.,
of appointee.

Authority and
liability of
person appointed.

(§7675.) SEC. 16. The person so designated and receiving such process or other papers, original or final, shall, in respect to the same, be deemed a coroner of the county, and shall be liable in all respects to all the provisions of law respecting sheriffs, so far as the same may be applicable.

Approved June 6, 1887.

[No. 141.]

AN ACT to amend section two of act number two hundred and twenty-two, public acts of eighteen hundred and eighty-five, entitled "An act making appropriations for the expenses of the State officers and State government for the year eighteen hundred and eighty-five and eighteen hundred and eighty-six, and to provide a tax for the payment of the same," approved June eighteen, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number two hundred and twenty-two, public acts of eighteen hundred and eighty-five, entitled "An act making appropriations for the expenses of the State officers and State government for the years eighteen hundred and eighty-five and eighteen hundred and eighty-six, and to provide a tax for the payment of the same," approved June eighteenth, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 2. The Auditor General shall apportion each year the amounts herein directed to be raised among the several counties of this State as provided by law for the apportionment of State taxes: *Provided*, That the Auditor General be and is hereby directed to credit back to the several counties the amounts apportioned and charged to them in the apportionment of the State tax of eighteen hundred and eighty-six for "interest on account of swamp land." Auditor General to apportion amount, etc.
Provided.

This act is ordered to take immediate effect.

Approved June 6, 1887.

[No. 142.]

AN ACT to amend section five of act number thirty-one of the session laws of eighteen hundred and fifty-eight, entitled "An act to provide for the sale of the swamp lands and the reclamation thereof, and to secure the preëmption claims of settlers thereon," approved February four, eighteen hundred and fifty-eight, being consecutive section three thousand nine hundred and forty-two of the compiled laws of eighteen hundred and seventy-one, and compiler's section five thousand three hundred and ninety-four of Howell's Annotated Statutes, as amended by act number one hundred and eighty-one of the public acts of eighteen hundred and eighty-five, approved June ten, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact*, That section five of act number thirty-one of the session laws of eighteen hundred and fifty-eight, entitled "An act to provide for the sale of the swamp lands and the reclamation thereof, and to secure the preëmption claims of settlers thereon," approved February four, eighteen hundred and fifty-eight, being consecu- Section amended.

tive section three thousand nine hundred and forty-two of the compiled laws of eighteen hundred and seventy-one, and compiler's section five thousand three hundred and ninety-four of Howell's Annotated Statutes, as amended by act number one hundred and eighty-one of the public acts of eighteen hundred and eighty-five, approved June ten, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

Receipts from
sales, how
applied.

SEC. 5. All moneys heretofore received and all moneys hereafter received from the sale of swamp lands donated by the aforesaid act of Congress, after deducting the expenses of sales, shall be denominated a primary school fund, and the interest thereof, at five per centum per annum, shall be appropriated and distributed in like manner as the primary school fund of the State, and all moneys received on such sales as aforesaid, after deducting the expenses as aforesaid, shall be used and applied to the payment of the outstanding indebtedness of the State in the order in which the same shall fall due.

Approved June 6, 1887.

[No. 143.]

AN ACT to protect the chastity of girls between the ages of fourteen and sixteen years and to punish the violation thereof.

Penalty for
carnally
knowing certain
girls.

SECTION 1. *The People of the State of Michigan enact*, That any male person of the age of sixteen years or more who shall carnally know any girl, theretofore chaste, of the age of fourteen years and not more than sixteen years of age, with the consent of such girl, shall, upon conviction thereof, be punished by imprisonment in the State Prison, or the State House of Correction and Reformatory, for a term of not more than five years, or in the county jail not more than one year, or by fine of not more than one thousand dollars; but no prosecution shall be commenced under this section after one year from the time of committing the offense.

Approved June 6, 1887.

[No. 144.]

AN ACT to provide for the adoption and change of name of minors, and for making them heirs-at-law of the person or persons adopting them.

Who to give
consent to
adoption.

SECTION 1. *The People of the State of Michigan enact*, That whenever any person shall have adopted any minor child with the consent of the surviving parent or parents of such child, or in case such child is abandoned by one of the parents of said child, then with the consent of such parent not so abandoning it, or in case such child is abandoned by both its parents or surviving par-

ent, or in case of orphanage, with the consent of the nearest of kin or guardian of such child, or of the principal officer of an incorporated orphan asylum of which such child may have been an inmate, or of two of the superintendents of the poor of the county, or the director of the poor of any city or township of which said child is a resident, or of any authorized officers or agents of any institution, public or private, in this State or elsewhere, in whose care such orphan child may have been, and if such child be above the age of seven years, then with the consent of such child, and shall desire to change the name of such child, and to bestow upon him or her the family name of the person adopting such child with intent to make such child his or her heir, the said person, together with his or her wife or husband, if any there be, and the surviving parent or next of kin or guardian of such child, or such officer of a public or incorporated orphan asylum or superintendents or directors of the poor, or any authorized officer or agent of any institution, public or private, in this State or elsewhere, or in case of abandonment of such child by one of its parents, then by the parent not so abandoning it, may make under their hands an instrument in writing whereby they shall declare that such child, naming him or her by the name he or she has usually borne, is adopted as the child of such person or persons first above referred to, and that he, she or they intend to make such child his, her or their heir, and stating the full name they desire such child shall bear, and the execution of the said instrument shall be by the persons so signing the same, acknowledged before any officer authorized by law to take acknowledgment of deeds; and thereupon the same may be presented to and filed with the judge of probate of the county where such person or persons adopting such child reside. In case such child is an inmate of a State institution such instrument may be filed with the judge of probate of the county within which such institution is located. Such judge of probate on being satisfied of the good faith of such proceedings, and that the person or persons adopting such child is or are suitable to have charge thereof, shall make an order to be entered in the journal of the probate court that such person or persons do stand in the place of a parent or parents to such child, and that the name of such child be changed to such name as shall be designated in said instrument for that purpose, whereupon such child shall be thereafter known and called by said new name; and the said person or persons so adopting such child shall thereupon stand in the place of a parent or parents to such child in law, and be liable to all the duties and entitled to all the rights of parents thereto, and such child shall thereupon become an heir-at-law of such persons, the same as if he or she were in fact the child of such person or persons.

Declaration to be in writing.

Execution and filing of declaration.

Duty of the judge of probate relative thereto.

This act is ordered to take immediate effect.

Approved June 6, 1887.

[No. 145.]

AN ACT to regulate the use of steam engines, steam wagons or other vehicles, which are in whole or in part operated by steam, on the public highways of this State, and to prohibit the blowing of steam whistles upon the public highways of this State.

Unlawful to allow steam vehicle to stand on bridge.

Owner, etc., to send person in advance, when moving the same.

Duty of owners, etc., on the approach of persons with horses, etc.

Blowing steam whistle on highways a misdemeanor.

Punishment for violation of act.

Not to apply to railroads.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person, company or corporation owning or controlling any carriage, vehicle, traction or other engine propelled by steam, by themselves, their servant, agent or employé, to allow the same to stand upon any bridge or culvert in any highway for taking a supply of water, or other purpose; and it shall also be unlawful to permit or use the same to pass over, through or upon any public highway, road or street, unless such owner, owners, agent, servant or employé shall send before the same a person of mature age, at least ten rods and not more than forty rods in advance (incorporated villages and cities excepted), to notify and warn persons traveling or using said highway, road or street with horses or other domestic animals, of the approach of such carriage, vehicle or engine. And upon the approach of any person or persons with horse or horses, or other domestic animals, from behind or in front, said owner or owners, agent, servant or employé of such steam vehicle, carriage or engine having the same in charge, shall cause the same to be stopped and the steam of such engine to be immediately shut off, and to render such assistance as will enable such team or teams of horses, or domestic animals, to pass in safety; and at night said person shall carry a red light, except in incorporated cities and villages.

SEC. 2. Any person or persons who, while traveling upon the public highways of this State with a steam engine, steam wagon or other vehicle which is, in whole or in part, being worked, run or operated by steam, or to which a steam whistle is attached, shall blow or sound, or cause to be blown or sounded, any steam whistle while so traveling upon the public highways of this State, shall be guilty of a misdemeanor.

SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding fifteen days, or by both such fine and imprisonment, in the discretion of the court. Any person, company or corporation violating any of the provisions of this act shall also be liable for all damages sustained thereby by any person or persons traveling upon or using said highway with horses or other domestic animals, to be recovered in an action of trespass on the case.

SEC. 4. This act shall not apply to railroads.

This act is ordered to take effect sixty days after approval by the Governor.

Approved June 6, 1887.

[No. 146.]

AN ACT to amend sections four, six, seven, twelve and fourteen of chapter twenty-one of Howell's Annotated Statutes, being compiler's sections seven hundred and ninety-nine and eight hundred and one, eight hundred and two, eight hundred and seven and eight hundred and nine, relative to partition fences.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
sections four, six, seven, twelve and fourteen of chapter twenty-one of Howell's Annotated Statutes, being compiler's sections seven hundred and ninety-nine, eight hundred and one, eight hundred and two, eight hundred and seven and eight hundred and nine, be and the same are hereby amended to read as follows:

(799.) SEC. 4. When any deficient fence built up or repaired Remedy of complainant for repairs, etc.
by any complainant, as provided in the preceding section, shall be adjudged sufficient by two or more of the fence viewers, and the value of such repairing or building up, together with their fees, shall be ascertained by a certificate under their hands, the complainant shall have a right to demand, either of the occupant or owner of the land where the fence was deficient, the sum so ascertained. And in case of neglect or refusal to pay the sum so due on or before the first day of the next succeeding October after demand thereof is made, the sum so due shall become a lien on the said land, and the fence viewers aforesaid shall report the same to the supervisor of the township, who shall cause the same to be spread upon the assessment roll, in a separate column for that purpose, opposite the description of land owned or occupied by the person or persons neglecting to pay the same, and cause the said tax to be collected in the same manner that other taxes are collected, and the amount paid over to the complainant.

(801.) SEC. 6. In case any party shall refuse or neglect to erect and maintain the part of any fence assigned to him by the fence viewers, the same may be erected and maintained by the aggrieved party in the manner before provided, and he shall be entitled to the value thereof ascertained in the manner aforesaid, and to be recovered in like manner. In case of neglect, etc., party erecting, etc., entitled to value.

(802.) SEC. 7. When in any controversy that may arise between occupants of adjoining lands as to their respective rights in any partition fence it shall appear to the fence viewers that either of the occupants had, before any complaint made to them, voluntarily erected the whole fence, or more than his just share of the same, or otherwise become proprietor thereof, the other occupant shall pay for so much as may be assigned to him to repair or maintain, the value of which shall be ascertained and collected in the manner provided in this chapter. When occupant to pay for portion of fence assigned to him.

(807.) SEC. 12. Upon the division and assignment as provided in the preceding section the fence viewers may, in writing under their hands, assign a reasonable time for making the fence, having regard to the season of the year, and if either party shall not make his part of the fence within the time so assigned, the other When viewers may assign time for making; consequence of neglect.

party may, after having completed his own part of the fence, make the part of the other, and recover the ascertained expenses thereof, together with the fees of the fence viewers, in the manner provided in this chapter.

When occupant or owner to pay one half of partition fence, etc.

(809.) SEC. 14. When any unenclosed land shall be afterward enclosed the occupant or owner thereof shall pay for one-half of each partition fence standing upon the line between his land and the enclosure of any other occupant or owner, and the value thereof shall be ascertained by two or more fence viewers of the township, in writing under their hands, in case the parties do not agree, and if such occupant or owner shall neglect or refuse for thirty days after the value has been so ascertained and demand made to pay for one-half of such partition fence, the same shall be assessed and collected, together with the costs of ascertaining the same, as provided in this chapter.

Approved June 6, 1887.

[No. 147.]

AN ACT to amend section one of act one hundred and fifty-seven of the session laws of eighteen hundred and eighty-three, being compiler's section seven thousand ninety-one of Howell's Annotated Statutes, being an act entitled "An act to protect the rights of laborers."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act one hundred and fifty-seven of the session laws of eighteen hundred and eighty-three, being compiler's section seven thousand ninety-one of Howell's Annotated Statutes, being an act entitled "An act to protect the rights of laborers," be and the same is hereby amended so as to read as follows:

Issuing of execution.

SECTION 1. Any judgment hereafter obtained before a justice of the peace for personal services performed by the plaintiff, shall not be stayed, but execution may issue thereon immediately on rendition of judgment. In entering such judgment the justice shall recite upon the docket that the same was rendered for the personal work and labor of the plaintiff; and in addition to all other costs allowed by law, the plaintiff in any such suit shall recover an attorney's fee of five dollars, to be taxed with the other costs in the case [cause] and to be collected in the same manner as such other costs are collected.

Attorney's fee.

Proviso.

Provided, That no attorney fee shall be taxed in cases not contested unless the plaintiff shall make it appear to the satisfaction of the justice that at least twenty-four hours before the commencement of the said suit a demand of payment therefor has been made of the debtor.

Further proviso.

And provided further, That no attorney fee shall be allowed the plaintiff unless he shall obtain judgment for the whole amount demanded by him of the defendant before such suit was commenced, and in no case shall a greater attorney fee be recovered than the amount of damages recovered.

Approved June 6, 1887.

[No. 148.]

AN ACT appropriating money for additional buildings, improvements and general repairs for the State Prison at Jackson.

SECTION 1. *The People of the State of Michigan enact, That* Appropriation.
the sum of one hundred and four thousand and two hundred dollars be and the same is hereby appropriated out of the general fund of the State for the year eighteen hundred and eighty-seven, to be expended under the direction of the board of inspectors of the State Prison, for additional buildings, cell-blocks, repairs and improvements, payment for electric lights and the purchase of land for the State Prison at Jackson, as follows:

For erecting and finishing a new cell-block, the walls to be of brick, said work to be done under the supervision of the board of inspectors of said State Prison, the sum of fifty-five thousand dollars (\$55,000); for rebuilding the shops occupied by the Austin, Tomlinson & Webster Manufacturing Company, the same to be of brick with slate roof, four hundred feet long by fifty-six feet wide, two hundred and twenty feet to be three stories high, and one hundred and eighty feet one story in height, the sum of thirty thousand dollars; for general repairs, the sum of ten thousand dollars; for balance on putting in electric lights, the sum of twelve hundred dollars; for the purchase of a strip of land about eight rods wide, running from Mechanic street to Cooper street, adjoining the prison lands, the sum of eight thousand dollars. Purposes of.

SEC. 2. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-seven the sum of one hundred and four thousand two hundred dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum, when collected, shall be passed to the credit of the general fund to reimburse the same for the moneys appropriated by this act. Tax for.

This act is ordered to take immediate effect.

Approved June 7, 1887.

[No. 149.]

AN ACT to authorize, empower and direct the board of control of State swamp lands to construct a ditch through the townships of Hebron and Mackinaw, in the county of Cheboygan.

SECTION 1. *The People of the State of Michigan enact, That* Appropriation of State swamp land authorized to construct ditch.
to build and construct a ditch, beginning at or near the southwest corner of the township of Hebron, in Cheboygan county, being town thirty-eight north, range three west, Michigan, thence running northeasterly by the best practical route through said township, and in a like manner through the township of Mackinaw, in said county of Cheboygan, being fractional town thirty-nine north, range three west, to the Straits of Mackinaw, being in all a distance of about seven miles, and for the purpose of drain-

age and reclamation, the board of control of State swamp lands is hereby authorized, empowered and directed to appropriate not to exceed three sections of State swamp lands per mile, to be selected from any vacant State swamp lands in the county of Cheboygan, now patented to the State, to aid in the construction of said ditch hereinbefore described.

Board of control
to supervise and
direct construction.

SEC. 2. The appropriation aforesaid, and the expenditure thereof, and the improvement herein contemplated, shall be under the supervision and direction of said board of control.

This act is ordered to take immediate effect.

Approved June 7, 1887.

[No. 150.]

AN ACT to amend section forty-six of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," approved May one, eighteen hundred and seventy-three, as amended by act number one hundred and seventy-four of the public acts of eighteen hundred and eighty-three, approved June seven, eighteen hundred and eighty-three, and to add two new sections to said act to stand as sections forty-seven and forty-eight.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section forty-six of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," approved May one, eighteen hundred and seventy-three, as amended by act number one hundred and seventy-four of the public acts of eighteen hundred and eighty-three, approved June seven, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as hereinafter set forth, and that two new sections be added to said act to stand as sections forty-seven and forty-eight, and to read as hereinafter set forth:

Sections added.

Railroad companies to run
at least one passenger train
each day, etc.

SEC. 46. That any railroad company or corporation owning or operating any railroad wholly or partly within this State, and which has received aid from private individuals along its line of road in the construction of the same, shall maintain and run at least one passenger train each way over that portion of its road within this State every week day, unless prevented by accident or the elements, which train shall not be used for the transportation of freight, except express or baggage freights, and such railroad company shall furnish sufficient accommodation with such train for

the transportation of all such passengers as shall within a reasonable time previous thereto be ready at the several stations on its railroad, at the junction of other railroads, and at such stopping places as may be established for receiving and discharging way passengers, and shall take, receive, transport, and discharge such passengers at, from and to such stations, junctions and places, upon payment, or tender of payment, of the fare legally authorized therefor, if such payment shall be demanded. Any railroad company or corporation refusing to comply with any of the provisions of this section shall be liable to a penalty not exceeding five hundred dollars for each and every offense.

Penalty for violating provisions of act.

SEC. 47. All railroad companies or other corporations or individuals owning or operating any railroad passing near any State institution located one mile or more from a regular station, which institution or railroad company has or shall hereafter put in sidings suitable for the receipt and shipment of State property at a convenient point near said institution, or have established or shall hereafter establish a passenger station for the accommodation of officers and employes of the State, and other persons under State control, shall at all times furnish such reasonable service and facilities for the receiving and shipment of freights [freight] and for the accommodation of officers and employes of the State and persons whom they may have in charge in getting on and off passenger trains as the needs of the institution may demand. This act shall not be construed as requiring any railroad company to stop its trains to let passengers on or off who have come from, or are destined to a point not exceeding three miles from said institution. If the officers of the institution and the railroad company cannot agree as to what is reasonable service to be performed on the part of the railroad company, then the same shall be decided by the Commissioner of Railroads, upon application to him by the officers of the institution or the superintendent or manager of the railroad company.

Railroads, passing near State institutions, requirements of.

SEC. 48. Every railroad company neglecting to comply with the provisions of this act shall be liable to the State in a penalty of fifty dollars for each day that its neglect shall continue; to be collected in an action for debt to be brought by the Attorney General or the prosecuting attorney of the county upon the request of the Commissioner of Railroads in that behalf.

Penalty for neglecting to comply with provisions of act.

This act is ordered to take immediate effect.

Approved June 7, 1887.

[No. 151.]

AN ACT to amend section numbered twenty-eight of an act entitled "An act to provide for the organization and powers of the supreme court," approved April four, eighteen hundred and fifty-one, being section six thousand four hundred and twenty-four of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.

section numbered twenty-eight of an act entitled "An act to provide for the organization and powers of the supreme court," approved April four, eighteen hundred and fifty-one, being section six thousand four hundred and twenty-four of Howell's Annotated Statutes of Michigan, be and it is hereby amended so as to read as follows :

Court may
require oral
testimony.

Exception.

(§6424.) SEC. 28. The supreme court may, at any time, in accordance with and for the speedy furtherance of justice in any suit, either at law or in equity, call upon the parties to such suit, or any witness thereto, to testify orally in open court; and said court may, by rule, provide for a similar practice in the circuit courts. But no party or witness whose evidence may not be received under the statutes of the State shall be called upon to testify under the provisions of this section.

Approved June 7, 1887.

[No. 152.]

AN ACT to prohibit the employment of male children under fourteen years of age and female children under sixteen years of age for more than nine hours a day.

Employment of
certain persons
for more than
nine hours per
day unlawful.

SECTION 1. *The People of the State of Michigan enact*, That no person, company, or corporation shall employ any male child under fourteen years of age nor any female under sixteen years of age for more than nine hours in any one day.

Penalty of person
for violation
of provisions
of act.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding fifty and not less than ten dollars, or by imprisonment in the county jail not more than thirty nor less than ten days, or by both fine and imprisonment, at the discretion of the court. If any company or corporation shall violate any of the provisions of this act such company or corporation shall for each violation forfeit the sum of fifty dollars, to be recovered in an action of debt in any court of competent jurisdiction.

Of corporation
or company.

Duty of prosecuting
attorney.

SEC. 3. It is hereby made the duty of the prosecuting attorney of the county where complaint shall be made to investigate all complaints made in violation of this act that may be brought before him, and, if there is probable cause, to prosecute in the name of the people of the State of Michigan in courts having competent jurisdiction thereof, all offenses contemplated by this act.

Exceptions.

SEC. 4. This act shall not apply to persons engaged in agriculture, or in the performance of domestic duties, or clerks in stores.

Approved June 7, 1887.

[No. 153.]

AN ACT to punish a male person above fourteen years of age for indecent and improper liberties with a female child under fourteen years of age.

SECTION 1. *The People of the State of Michigan enact*, That if any male person or persons over the age of fourteen years shall assault a female child under the age of fourteen years, and shall take indecent and improper liberties with the person of such child, without committing or intending to commit the crime of rape upon such child, he shall be deemed a felonious assaulter, and on conviction thereof shall be punished by imprisonment in the State Prison not more than ten years, or by fine not exceeding one thousand dollars, or both such fine and imprisonment, in the discretion of the court.

Assault of females under 14, deemed felonious.

Punishment for.

SEC. 2. Any indictment or information charging any person or persons with rape, or an attempt to commit a rape, upon any female, if such female shall be at the time such offense is claimed to have taken place, under the age of fourteen years, may also contain a count charging such person or persons to be a felonious assaulter under section one of this act; and the jury who shall try such cause may convict of either offense, and may find all or any of the persons indicted or informed against guilty of either of the offenses charged in such indictment or information.

Indictment for rape, etc., may contain count for felonious assault in certain cases.

Approved June 7, 1887.

[No. 154.]

AN ACT to repeal act number one hundred eighty-four of the laws of eighteen hundred and fifty-nine, as amended by act number seventy-three of the laws of eighteen hundred and sixty-one, the same being compiler's section nine thousand one hundred and eighty-seven of Howell's Annotated Statutes, relative to the fraudulent removal or embezzlement of chattel mortgaged property.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and eighty-four of the laws of eighteen hundred and fifty-nine, as amended by act number seventy-three of the laws of eighteen hundred and sixty-one, the same being compiler's section nine thousand one hundred and eighty-seven of Howell's Annotated Statutes, be and the same is hereby repealed.

Act repealed.

Approved June 7, 1887.

[No. 155.]

AN ACT to amend sections three and seven of act number thirty-seven of the public acts of eighteen hundred and eighty-three, entitled "An act to incorporate the Grand Army of the Republic, Department of Michigan, and subordinate posts of the Grand Army of the Republic," approved April twenty-first, eighteen hundred and eighty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That sections three and seven of act number thirty-seven of the public acts of eighteen hundred and eighty-three, entitled "An act to provide for the incorporation of the Grand Army of the Republic, Department of Michigan, and subordinate posts of the Grand Army of the Republic," approved April twenty-first, eighteen hundred and eighty-three, be amended so as to read as follows :*

Copy of articles
of association,
rules, etc., to be
filed.

SEC. 3. A copy of said articles of association, together with a copy of the rules and regulations of the Grand Army of the Republic, shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and

May acquire and
hold property.

shall be persons in law capable to purchase, take, receive, hold, and enjoy to them and their successors estates, real and personal, of suing and being sued, and to have a common seal which may be altered or changed at pleasure: *Provided*, That the value of real and personal estate shall not exceed the value of one hundred thousand dollars, and that they and their successors shall have power to give, grant, sell, lease, demise and dispose of said real and personal estate, or part thereof, at their will and pleasure, and the proceeds, rents and incomes, to be disposed of as directed by the department at its annual meeting. Said corporation shall have full power to make and establish rules and by-laws for regulating and governing all the affairs and business of said corporation, not repugnant to the constitution and laws of this State or the United States, and to designate, elect, or appoint, from its members such officers under such name and style as shall be in accordance with the rules and regulations of the Grand Army of the Republic.

Proviso as to
value of
property.

May make by-
laws, rules, etc.

May erect
edifice, etc.

SEC. 7. Any corporation formed in pursuance of this act may erect and own such suitable edifice, building or hall as to such corporation shall seem proper, with convenient means for meeting, and for that purpose may create a capital stock of not more than one hundred thousand dollars, to be divided into shares of not more than ten dollars each ; and any such corporation may make, take, purchase, hold, and own suitable lots or parcels of ground as may be convenient for the purpose of a cemetery, and make all lawful rules and regulations for the disposition of lots and the burial of the dead therein as to such corporation may seem proper: *Provided*, This act shall not be construed to affect any municipal regulation in regard to cemeteries.

Proviso.

This act is ordered to take immediate effect.

Approved June 7, 1887.

[No. 156.]

AN ACT to amend section one of chapter two and section six of chapter seven of act number two hundred and forty-three of the session laws of eighteen hundred and eighty-one, entitled "An

act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," approved June eight, eighteen hundred and eighty-one, being sections one thousand three hundred and twenty-five and one thousand three hundred and eighty-four of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter two and section six of chapter seven of act number two hundred and forty-three of the session laws of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within the State of Michigan," being sections one thousand three hundred and twenty-five and one thousand three hundred and eighty-four of Howell's Annotated Statutes, be and the same are hereby amended so as to read as follows: Sections amended.

[CHAPTER II.]

[ASSESSMENTS FOR HIGHWAY PURPOSES.]

(§1325.) SECTION 1. The highways in this State shall be opened, improved, and maintained by the labor of the inhabitants residing in and by assessments upon the property situated within the several townships, and for the more convenient expenditure of such labor and for making such assessments the commissioner of highways in each township shall divide his township, excluding incorporated villages, into so many road districts as he may judge convenient, and may vacate, alter, divide, or consolidate such districts, his action in all such cases to be entered of record in the township clerk's office, but no such division shall be made within five days next preceding the annual township meeting: *Provided*, That when a period of fifteen years or more shall have elapsed after the organization of any township the power of the commissioner of such township to vacate, alter, divide, or consolidate road districts shall be exercised only with the sanction and approval of the township board. All road districts as at present established shall remain and continue until changed pursuant to the provisions of this act. Highways, how opened and improved.
Proviso.

(§1384.) SEC. 6. The board of supervisors of any county may cause to be raised and levied upon the taxable property of the county a sum not exceeding one thousand dollars in any one year, to be apportioned among the several cities and townships of the county in proportion to the amounts raised in such cities or townships, for bridge purposes, in excess of three hundred dollars, and such moneys when collected shall be paid to the treasurer of the township or townships where the same are to be expended, and applied by the commissioner of highways of such township to the purposes for which the same was raised. When tax may be levied on county.

Approved June 7, 1887.

[No. 157.]

AN ACT to amend section one of act number forty-three of the laws of eighteen hundred and seventy-three, the same being compiler's section nine thousand one hundred and eighty-eight of Howell's Annotated Statutes, relative to the fraudulent removal or embezzlement of property leased or under contract of purchase, and to repeal section two of said act, the same being compiler's section nine thousand one hundred and eighty-nine of Howell's Annotated Statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number forty-three of the laws of eighteen hundred and seventy-three, the same being compiler's section nine thousand one hundred and eighty-eight of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Removing or
embezzling
goods above
certain value,
leased, mort-
gaged, or con-
tracted, with
intent to de-
fraud, a felony.

(§9188.) SEC. 1. Any person who shall fraudulently embezzle, remove, conceal or dispose of any goods or chattels, mortgaged, leased or let to him by any mortgage, written lease, or other instrument in writing, intended to operate as a mortgage or lease, or any personal property of another in his possession under a mortgage or contract of purchase not yet fulfilled, and any person in possession of such goods or chattels, knowing them to be subject to such lease, contract of purchase or mortgage, who shall so embezzle, remove, conceal or dispose of the same, with the intent to injure or defraud the lessor, mortgagee, or owner thereof, which shall be of the value of twenty-five dollars or more, shall be deemed guilty of a felony, and shall upon conviction thereof be punished by imprisonment in the State Prison not more than two years, or by fine not more than two hundred and fifty dollars, or by imprisonment in the county jail not more than six months. If the property embezzled, removed, concealed or disposed of, as aforesaid, shall not be of the value of twenty-five dollars, the person thus offending shall be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court.

Punishment.

If property is
of less value,
considered a
misdemeanor.

Punishment.

SEC. 2. Section two of act number forty-three of the laws of eighteen hundred and seventy-three, the same being compiler's section nine thousand one hundred and eighty-nine of Howell's Annotated Statutes, is hereby repealed.

Approved June 7, 1887.

[No. 158.]

AN ACT providing for the forfeiture by every register of deeds in this State who shall neglect or refuse to keep up such indexes as are required by law, and for the recovery of the same.

Registers of
deeds to forfeit
\$10 for neglect,
etc.

SECTION 1. *The People of the State of Michigan enact*, That every register of deeds who shall neglect or refuse to keep up

such indexes as are required by law shall forfeit the sum of ten dollars for each and every such neglect or refusal, which may be recovered in an action of debt before any court of competent jurisdiction.

Approved June 7, 1887.

[No. 159.]

AN ACT to amend section three of chapter four of act number two hundred and twenty-seven of the public acts of eighteen hundred and eighty-five, entitled, "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto."

SECTION 1. *The People of the State of Michigan enact, That* section three of chapter four of act number two hundred and twenty-seven of the public acts of eighteen hundred and eighty-five, entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," be and the same is amended so as to read as follows:

SEC. 3. The commissioner shall thereupon proceed to receive bids and let jobs for the construction of the sections, and make contracts with the lowest responsible bidder giving adequate security for the performance of the work. Such security shall cover the completion of the job in the manner and within the time fixed in the contract, and shall be in a sum to be fixed and determined by the commissioner. He shall first let the section at the outlet of the drain, and shall let each remaining section in its order up stream. The commissioner shall reserve the right to reject any and all bids, and may adjourn such letting in whole or in part, from time to time, to such other time or place to be by him at the time of such adjournment publicly announced, as shall to him seem proper, but not in all more than forty days from and after the time of letting first advertised. The parties who are assessed a tax for benefits in the construction of such drain, and who may be bidders for contracts thereon, shall, if equal bidders with other parties, be preferred in awarding such contracts. And it shall be the duty of said commissioner, after having been requested in writing by two or more persons whose lands are liable to be assessed for benefits on such drain, to notify the county surveyor, or other competent surveyor, of the completion of said drain, and the surveyor shall proceed with the commissioner to examine the same. If the commissioner (and surveyor in case the survey was requested as above) are satisfied with the manner in which said work is done, the surveyor, or commissioner, as the case may be, shall certify [in writing] to the township clerk of the township in which the records of said drain are kept, that the drain is completed in accordance with the

Section amended.

Receiving bids and letting jobs.

Security.

Order of letting sections, etc.

Adjournment of letting.

Preferred bidders.

Acceptance of drain when completed.

original grade and specifications, which certificate shall be filed and recorded with the township clerk and become a part of the records of said drain; and it shall not be lawful for the commissioner to issue orders on the fund of said drain exceeding two-thirds of the amount earned on any contract until after acceptance of said work by the commissioner, and the said certificate of the surveyor or commissioner is filed by the said township clerk:

Limitation as to payment.

Proviso. *Provided*, That it shall not be necessary for said drain commissioner to notify the surveyor for his examination of said drain unless the entire cost of construction shall exceed one hundred dollars, nor in cases of tile drain.

Approved June 7, 1887.

[No. 160.]

AN ACT to amend section four of chapter seven of act number two hundred and twenty-seven of the session laws of eighteen hundred and eighty-five, being an "act to provide for the construction and maintenance of drains and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto."

Section amended. SECTION 1. *The People of the State of Michigan enact*, That section four of chapter seven of act two hundred and twenty-seven of the session laws of eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

Special commissioners to meet with drain commissioners, etc. SEC. 4. When such special drain commissioners shall have been notified of their appointment in the same manner as provided in chapter three, they shall at the time and place fixed by the probate court meet with the drain commissioner of their county and view the whole line of such drain, or such portion thereof as shall be deemed sufficient, and shall under the same oath and condition perform their services in the same manner and with like effect as hereinbefore provided in this act for other special commissioners.

Per cent of cost of construction to be borne by each county to be determined before letting contract. Before any contract for the construction of any part of such drain shall be let the county drain commissioner shall agree and determine upon the just per cent of the whole cost of construction which each county shall bear, which determination shall be in writing, and signed by them, and a copy thereof made for each county drain commissioner affected by said drain:

Proviso in case commissioners cannot agree as to per cent. *Provided*, If said county drain commissioners cannot agree and determine the just per cent of the cost of construction that each county should bear, then it shall be their duty to select a county drain commissioner from some adjoining county not affected by such drains, who shall have the power to determine said per cent for them, and said drain commissioner's decision of the just per cent shall be final, and they shall make copies of said determination as above provided. The costs and expenses of said other drain commissioner shall be paid as the commissioners of the counties affected by such drain.

Approved June 7, 1887.

[No. 161.]

AN ACT to provide for the care and maintenance of indigent insane persons in private asylums within the State.

SECTION 1. *The People of the State of Michigan enact*, That whenever the State asylums for the insane have the number of patients for which the asylums were constructed, or whenever they are unable to receive any patients on account of lack of room, the judge of probate, upon the application of the county superintendents of the poor of the county to which a patient may be chargeable, after such proceedings as are specified in paragraph number one thousand nine hundred and one of Howell's Annotated Statutes of Michigan, shall be authorized to issue a certificate of admission to any private asylum duly chartered in this State. Indigent insane persons, care and maintenance of.

SEC. 2. The county superintendents of the poor are hereby authorized to contract for the care and maintenance of such insane persons, and such persons shall be entitled to as good care as that bestowed on patients in State asylums. County superintendents of poor may contract for care, etc., of.

SEC. 3. Such patients shall be county charges for two years, at the expiration of which time they shall become State charges. If the State asylums are prepared to receive them at the expiration of said two years, said patients shall then be removed to the State asylum, but if not, they shall be cared for as State patients in the private asylum in which they are at that time: *Provided*, Such patients may be removed to the State asylums at any time after the expiration of two years, or whenever the State asylums are prepared to receive them. Patients shall be county charge for two years. Provided.

SEC. 4. The Board of State Auditors is hereby authorized to contract for the care and maintenance of State patients in private asylums at a rate per capita not exceeding the average rate per capita of the cost of the care and maintenance of patients in the State asylums. Board of State Auditors may contract for care, etc., of State patients, etc.

This act is ordered to take immediate effect.

Approved June 7, 1887.

[No. 162.]

AN ACT to appoint commissioners and provide for laying out and establishing a State road in the county of Newaygo and to make an appropriation of one-half a section of State swamp land per mile for constructing and improving the same, and to provide that the highway money taxes assessed and levied upon all lands situated within two miles on each side of said road shall be used in constructing and improving said road for a period of five years from the passage of this bill, and to provide for raising and expending certain necessary funds therefor.

Commissioners to lay out road.	SECTION 1. <i>The People of the State of Michigan enact, That John Owens, Porter H. McGhan and John Jackson, of the county of Newaygo, be and they are hereby appointed commissioners to lay out and establish a State road, said road to be known as the Denver and Diamond Lake State road. Said road to be four rods in width and to commence at the corner post of the southwest corner of section ten in town fourteen north, of range fourteen west, thence east on the section lines to the corner post of the southwest corner of section ten in town fourteen north, of range thirteen west, thence north to the corner post of the northwest corner of said section ten, in said town fourteen north, of range thirteen west, thence east on section lines to the quarter post between sections one and twelve in said town fourteen north, of range thirteen west, intersecting the road running between Pork City and Diamond Lake, along such route as said commissioners shall determine upon to connect with said Pork City and Diamond Lake road.</i>
Description of road.	
When to be laid out, etc.	SEC. 2. It shall be the duty of said commission, within three months after this act shall take effect, to lay out and establish said road and cause the same to be surveyed and have the survey thereof filed with each of the township clerks of the townships through which said road shall pass, and it shall be the duty of said township clerks to record the same, and such record shall be <i>prima facie</i> evidence of the existence of said road.
Right of way through State lands granted.	SEC. 3. The right of way for said road through any lands belonging to the State is hereby granted and confirmed to the county of Newaygo, where said lands may be situated. And in all cases where damages may be claimed by reason of laying out and establishing said road the same proceedings shall be had thereon as may be required by law for the assessment of damages in cases of highways laid out by a highway commissioner, and the commissioners herein named are hereby granted the same powers and are hereby required to perform the same duties that a highway commissioner has and is required to perform in obtaining the right of way for a highway.
Damages, how settled.	
Swamp land granted for construction of road.	SEC. 4. For the purpose of constructing and improving said road there is hereby appropriated one-half section of State swamp land per mile of said road, said State swamp land to be selected from any vacant swamp land in the Lower Peninsula of this State in market, and to be expended by the board of control of State swamp lands under the provisions of act number one hundred and seventeen of the public acts of eighteen hundred and fifty-nine and the acts amendatory thereto, except as herein otherwise provided.
State not to be liable. How expenses to be paid, etc.	SEC. 5. The State shall not be liable for any expense or damage by reason of this act, but the townships through which said road shall pass shall pay for the survey and necessary expenses and damages awarded (if any) for obtaining the right of way therefor, and shall also pay the commissioners herein named the sum of two dollars per day each for all time necessarily spent by them in laying out and causing said road to be constructed; and on pres-

entation to the township boards by said commissioners of bills for labor, expenses and damages, verified by the commissioners in whose favor the bill may be, it shall be the duty of such board to audit and allow such bill.

SEC. 6. For the purpose of aiding in the construction and completion of said road it is hereby provided that all the highway taxes, including highway labor taxes, assessed and levied upon land situated within two miles of each side of said road, for the period of five years from and after the passage of this act, shall be when paid into the treasuries of the various townships through which said road shall pass, paid over by such treasuries to said commissioners to be by them expended on said roads in the townships in which said taxes were assessed and collected: *Provided*, That all highway labor taxes assessed by the highway commissioners within two miles on each side of said road, when paid in work, shall be worked out upon said road under the direction of the various overseers of highways in the townships through which said road shall pass; and any overseer of highways or township treasurer having received any portion of such highway tax shall, on demand of the commissioners, pay over to said commissioners any such sum of money, and said commissioners' receipt therefor shall release such treasurer from liability.

Certain highway taxes granted for constructing, etc., road.

Proviso.

SEC. 7. It shall be the duty of such commissioners to render to the board of supervisors of the county through which such road passes, at the annual session of said board, a true account, on oath, of the receipts and disbursements of all such money received by them during each year from such townships respectively.

Commissioners to render annual account to board of supervisors.

SEC. 8. Each said commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this State to faithfully perform the duties herein assigned to him, and file the same in the office of the county clerk of the county where said commissioner shall reside, and each of said commissioners shall execute and deliver to the county treasurer of the county of Newaygo a bond in the penal sum of one thousand dollars, with sufficient sureties, to be approved by the county treasurer of said county, conditioned for the faithful performance of their duties under this act. And it shall be the duty of said county treasurer, in case of default in the condition of said bonds, to prosecute the same in the name of said county.

Oath and bond of commissioners.

Duty of county treasurer to prosecute on bond.

SEC. 9. In case there shall occur a vacancy in the office of either of the above named commissioners, or if either of said commissioners shall neglect or refuse to act, the Governor of the State of Michigan is hereby authorized and empowered to fill such vacancy by the appointment of some suitable person, who shall qualify and perform the same duties of the commissioners named in this act.

Vacancy in office of commissioner, how filled.

SEC. 10. Said commissioners, after having qualified, shall organize by electing one of their number chairman, one secretary and one treasurer, whose several duties shall be the same as the duties of like officers of other boards, except as prescribed by

Organization of commissioners and term of office.

this act, and who shall respectively hold their offices for a period of five years.

This act is ordered to take immediate effect.

Approved June 8, 1887.

[No. 163.]

AN ACT to amend section seven thousand four hundred and forty-nine of the compiled laws of eighteen hundred and seventy-one, as amended by act one hundred and thirty-five of the session laws of eighteen hundred and seventy-three, approved April twenty-two, eighteen hundred and seventy-three, being compiler's section nine thousand and twenty-three of Howell's Annotated Statutes, relative to the fees of appraisers, commissioners and others.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven thousand four hundred and forty-nine of the compiled laws of eighteen hundred and seventy-one, as amended by act one hundred thirty-five of the session laws of eighteen hundred and seventy-three, approved April twenty-second, eighteen hundred and seventy-three, being compiler's section nine thousand and twenty-three of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Compensation
of appraisers,
commissioners,
etc.

(§9023.) SEC. 7449. All appraisers of estates of deceased persons, commissioners to adjust claims against deceased persons, appraisers of property taken on any writ of attachment or replevin, persons appointed under any legal process or order for assigning dower or making partition of real estate, sheriffs' aids in criminal cases or in the execution of legal process, where no express provision is made for compensation therefor, shall be entitled to two dollars for each day and one dollar for each half day for their services, and six cents a mile for travel in going and returning: *Provided*, That appraisers of estates of deceased persons, commissioners appointed in the probate court to set off dower or to make partition of the real estate, and commissioners appointed to adjust claims against deceased persons, shall have such further compensation as the probate court, after such notice as such court shall direct to the parties interested in the premises, shall deem proper and by an order shall allow.

Proviso as to
further compensation.

Approved June 9, 1887.

[No. 164.]

AN ACT to make it a misdemeanor to remove, destroy, damage, or dispose of any personal property that shall have been seized by due process of law issued from any court of competent jurisdiction in the State, while such seizure or levy is in force, without first giving the bond or other security therefor, if any, required by law, and to provide the punishment therefor.

SECTION 1. *The People of the State of Michigan enact, That* A misdemeanor to destroy, damage, etc., personal property seized.
 it shall be a misdemeanor for any person or persons to remove, destroy, damage, or dispose of any personal property that shall have been seized by due process of law issued from any court of competent jurisdiction in this State, while such seizure or levy is in force, without first giving the bond or other security therefor, if any, required by law.

SEC. 2. Any person or persons who shall be convicted under Punishment.
 section one hereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or imprisonment in the county jail for any period not less than ten days nor more than ninety days, or both such fine and imprisonment, in the discretion of the court.

Approved June 9, 1887.

[No. 165.]

AN ACT to amend section fifteen of chapter three of act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes contravening the provisions of this act," approved May twenty-one, eighteen hundred and eighty-one, as amended by act number ninety-three of the public acts of eighteen hundred and eighty-three, approved May sixteen, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section fifteen of chapter three of an act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes contravening the provisions of this act," approved May twenty-one, eighteen hundred and eighty-one, as amended by act number ninety-three of the public acts of eighteen hundred and eighty-three, approved May sixteen, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

SEC. 15. The district board shall specify the studies to be pursued Board to specify studies, etc.
 in the schools of the district [districts], and in addition to the branches in which instruction is now required by law to be given in the public schools of the State, instruction shall be given in physiology and hygiene, with a special reference to the nature of alcohol and narcotics, and their effects upon the human system. Such instruction shall be given by the aid of text-books in the case of pupils who are able to read, and as thoroughly as in other studies pursued in the same school. The text-books to be used for Kind of text books to be used.
 such instruction shall give at least one-fourth of their space to the consideration of the nature and effects of alcoholic drinks and narcotics, and the books used in the highest grade of graded

Text-books, by whom approved, etc.

Board to require teacher to certify, etc.

Punishment for neglect, etc.

schools shall contain at least twenty pages of matter relating to this subject. Text-books used in giving the foregoing instructions shall first be approved by the State Board of Education. Each school board making a selection of text-books under the provisions of this act shall make a record thereof in their proceedings, and text-books once adopted under the provisions of this act shall not be changed within five years, except by the consent of a majority of the qualified voters of the district present at an annual meeting, or at a special meeting called for that purpose. The district board shall require each teacher in the public schools of such district, before placing the school register in the hands of the directors [director], as provided in section thirteen of this act, to certify therein whether or not instruction has been given in the school or grade presided over by such teacher, as required by this act, and it shall be the duty of the director of the district to file with the township clerk a certified copy of such certificate. Any school board neglecting or refusing to comply with any of the provisions of this act shall be subject to fine or forfeiture the same as for neglect of any other duty pertaining to their office. This act shall apply to all schools in the State, including schools in cities or villages, whether incorporated under special charter or under the general laws.

Approved June 9, 1887.

[No. 166.]

AN ACT to regulate the sale and use of oleomargarine, butterine, and other articles and substances resembling butter, and to provide a penalty for the violation of this act.

Sale, etc., as butter, of oleomargarine, etc., a misdemeanor.

SECTION 1. *The People of the State of Michigan enact*, That any person who knowingly sells, or offers for sale, as butter, any oleomargarine, butterine, or other article or substance resembling butter, and not made exclusively from milk or cream, and of which the oil or fat of animals not produced from milk is a component part, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined, for each such offense, not less than twenty-five dollars nor more than two hundred dollars, and by imprisonment in the county jail or State House of Correction and Reformatory at Ionia, not less than ninety days and not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Proprietors of hotels, restaurants, etc., using or permitting use, guilty of violation of act.

SEC. 2. The proprietor or keeper of any hotel, restaurant, eating-saloon, boarding-house, or other place where food is furnished to persons paying for the same, who shall knowingly place upon the table, or use or permit to be used in the preparing of any food to be used in such place, or to be sold to any person, any oleomargarine, butterine, or other such substance resembling butter, described in section one of this act, shall be deemed as selling and as offering for sale as butter, of such substance

resembling butter, within the meaning and intent and contrary to the provisions of this act, and liable and subject to the penalties prescribed for such offense.

SEC. 3. The presence of such oleomargarine, butterine, or other substance resembling butter, in any such place before mentioned where food is sold or furnished to persons paying for the same, shall be *prima facie* evidence in any court before which any person violating the provisions of this act may be brought for examination or trial, that such person has sold and offered for sale as butter, such substance resembling butter: *Provided*, The presence of such oleomargarine, etc., evidence of violation of act. Nevertheless, that if the proprietor or keeper of such store, hotel, eating-saloon, boarding-house or other place hereinbefore mentioned, shall have placed on the outside door, and conspicuously hung in the center, and placed on the walls of any store, or room where food is sold or furnished, a white placard on which is printed in black ink, in plain roman letters of not less than three inches in length, and not less than two inches in width the words, "Oleomargarine or butterine sold or used here," and shall, at all times, keep the same exposed in such conspicuous places as to be readily seen by any and all persons entering such store or room or rooms, he shall be deemed to have complied with the provisions of this act, and may use, sell and offer for sale such oleomargarine, or butterine or other substance resembling butter. Proviso.

Approved June 9, 1887.

[No. 167.]

AN ACT to amend act number two hundred and twenty-eight of the public acts of eighteen hundred and eighty-five, being "An act to authorize the Board of Control of Swamp Land to cause the removal of jams or rafts of floodwood, and to clear out and deepen, where necessary, the channel of Swan Creek, in the county of Midland, and appropriate two sections of land therefor," approved June twenty, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact*, That Act amended. act number two hundred and twenty-eight of the public acts of eighteen hundred and eighty-five, being "An act to authorize the Board of Control of Swamp Lands to cause the removal of jams or rafts of floodwood, and deepen, where necessary, the channel of Swan Creek, in the county of Midland, and appropriate two sections [sections] of land therefor," [approved June twenty, eighteen hundred and eighty-five,] be amended so to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That Board of Control authorized to clear, deepen etc., channel, etc. the Board of Control of State Swamp Land be and they are hereby authorized, if in their judgment the public interests require it, to remove or cause to be removed, in such manner as to them may seem best, but under their direction and control, the jams or rafts of floodwood, and to clear out and deepen, where necessary, the

Examination
and estimate of
cost.

channel of the north branch of Swan Creek in the county of Midland, and the main creek in Saginaw county, and to appropriate and use for that purpose not exceeding three sections of State swamp lands. The said Board of Control shall cause an examination by one of their number, or otherwise, of the work to be done, and to report to said board thereon, the necessity of doing such work, and the estimated cost thereof before the first day of August, eighteen hundred and eighty-seven: *Provided*, That two sections of said land shall be used for said purpose in the county of Midland and the balance in the county of Saginaw.

Advertisement
for doing work.

SEC. 2. It shall be the duty of said Board of Control, on or before the first day of August, in the year of our Lord, eighteen hundred and eighty-seven, if upon such examination they shall deem the same necessary, to advertise for sealed proposals for the doing of said work, stating in the notice that the work is to be paid for in State swamp lands; which notice shall be published once each week for six consecutive weeks in one or more newspapers printed and published in each of said counties of Midland and Saginaw.

Appropriation
for.

SEC. 3. To secure the removal of said obstructions in the said creek, as mentioned in section one of this act, the Board of Control of State Swamp Land is hereby authorized to appropriate three sections of State swamp land of six hundred and forty acres each, to be selected from the State swamp lands of the Lower Peninsula of this State; and there shall be issued to the contractor entitled thereto the proper certificates for so much of said three sections of State swamp land as he may be entitled to upon the performance of his contract according to the terms thereof.

This act is ordered to take immediate effect.

Approved June 9, 1887.

[No. 168.]

AN ACT to amend section three of act number one hundred and fifty-seven of the session laws of eighteen hundred and fifty-one, entitled, "An act to define the limits, jurisdiction, and powers of circuit courts," being compiler's section six thousand four hundred and sixty of Howell's Annotated Statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number one hundred and fifty-seven of the session laws of eighteen hundred and fifty-one, entitled, "An act to define the limits, jurisdiction and powers of circuit courts," being compiler's section six thousand four hundred and sixty of Howell's Annotated Statutes, be and the same is hereby amended to read as follows:

Judges to
appoint terms
and publish
notices thereof.

(§6460.) SEC. 3. Each of the circuit judges shall, on or before the first day of November next, and every two years thereafter, fix and appoint the times of holding the several terms within his circuit, for the period of two years, which appointments, when so made, shall continue unalterable for two years thereafter, and he shall immediately transmit to the clerk of each county within his

circuit a notice of the appointment of terms so made by him, and it shall be the duty of such clerk to file and preserve such notice, and said judge shall cause a copy of such notice to be published in at least one newspaper in each county in his circuit, in which a newspaper is published, once in each week for five successive weeks, and the last publication thereof shall be at least three weeks before the holding of any term in pursuance thereof, and the expense of such publication shall be paid out of the State treasury upon the warrant of the Auditor General.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 169.]

AN ACT to amend section four thousand three hundred and sixty-six of the compiled laws of one thousand eight hundred and seventy-one, being section five thousand eight hundred and thirty-six of Howell's Annotated Statutes, relative to the residuary legatees bonds.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand three hundred and sixty-six of the compiled laws of one thousand eight hundred and seventy-one, being section five thousand eight hundred and thirty-six of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 5836. If, however, the executor named in any last will and testament, or the administrator with the will annexed of any estate duly appointed shall be residuary legatee, instead of the bond prescribed in the preceding section, he may give a bond in such sum and with such sureties as the court shall direct, with a condition only to pay all the debts and legacies of the testator, and in such case he shall not be required to return an inventory. Bond in case executor is residuary legatee.

Approved June 10, 1887.

[No. 170.]

AN ACT to provide for the change of name of adults.

SECTION 1. *The People of the State of Michigan enact*, That the probate court of any county of this State shall have power, by an order to be entered on its journal, to change the name of any adult person who has been one year a resident of such county who may apply, in writing, to such court for that purpose, upon such person showing a sufficient reason for such proposed change to the satisfaction of such court, and that such change is not sought with any fraudulent or evil intent; and, provided, that notice of intention to make such application shall be published six weeks prior to the making of such application, and for three successive weeks in a newspaper printed and published Probate court authorized to change the names of adult persons.

Provide as to publication of notice, etc.

in said county where the application is to be made, if there be one, or in a newspaper printed and published in an adjoining county, or in the nearest county in which a newspaper is or may be printed and published.

Fee required
of persons
making appli-
cation to court.

SEC. 2. Such judge of probate shall require of the person making such application under the first section of this act to pay over to the county treasurer for the use of the county a fee of three dollars, and shall furnish to said applicant, if desired, a certified copy of the order made in such matter.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 171.]

AN ACT to repeal sections four thousand eight hundred and fifty-four, four thousand eight hundred and fifty-five and four thousand eight hundred and fifty-six of the compiled laws of one thousand eight hundred and seventy-one, as amended by act one hundred and eighty-eight of the laws of one thousand eight hundred and seventy-seven, and act fifty-seven of the laws of one thousand eight hundred and seventy-nine, being chapter two hundred and forty-two of Howell's Annotated Statutes, relative to the adoption and change of name of minors, and the change of names [name] of adults.

Sections
repealed.

SECTION 1. *The People of the State of Michigan enact*, That sections four thousand eight hundred and fifty-four, four thousand eight hundred and fifty-five and four thousand eight hundred and fifty-six of the compiled laws of one thousand eight hundred and seventy-one, as amended by act one hundred and eighty-eight of the laws of one thousand eight hundred and seventy-seven, and act thirty-seven of the laws of one thousand eight hundred and seventy-nine, being chapter two hundred and forty-two of Howell's Annotated Statutes, relative to the adoption and change of names [name] of minors and the change of names of adults, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 172.]

AN ACT to repeal section seven of act number two hundred and fifty-nine of the session laws of eighteen hundred and eighty-one, being compiler's section two thousand two hundred and seventy-six of Howell's Annotated Statutes of Michigan, relative to punishment of drunk and intoxicated persons.

Section
repealed.

SECTION 1. *The People of the State of Michigan enact*, That section seven of act number two hundred and fifty-nine of the

session laws of one thousand eight hundred and eighty-one, being compiler's section two thousand two hundred and seventy-six of Howell's Annotated Statutes of Michigan, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 173.]

AN ACT to amend section four thousand eight hundred and eighteen of the compiled laws of eighteen hundred and seventy-one, being section six thousand three hundred and ten of Howell's Annotated Statutes, relative to the support of minors whose father is living.

SECTION 1. *The People of the State of Michigan enact, That* section four thousand eight hundred and eighteen of the compiled laws of eighteen hundred and seventy-one, being section six thousand three hundred and ten of Howell's Statutes, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 6310. If any minor who has a father living, has property which is sufficient for his maintenance and education in a manner more expensive than his father can reasonably afford, regard being had to the situation of the father's family and to all the circumstances of the case, the expenses of the education and maintenance of such minor may be defrayed out of the income or principal of his own property in whole or in part, as shall be judged reasonable, and shall be directed by the probate court, and the charges therefor may be allowed accordingly in the settlement of the accounts of his guardian. When expenses of education may be defrayed from property of minor.

Approved June 10, 1887.

[No. 174.]

AN ACT to amend section five thousand two hundred and nineteen of the compiled laws of eighteen hundred and seventy-one, being section six thousand seven hundred and eighty-two of Howell's Annotated Statutes, relative to appeals from orders of probate courts.

SECTION 1. *The People of the State of Michigan enact, That* section five thousand two hundred and nineteen of the compiled laws of eighteen hundred and seventy-one, being section six thousand seven hundred and eighty-two of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 6782. The person appealing shall procure and file in the circuit court to which the appeal is taken, within thirty days after such appeal is taken, a certified copy of the record or proceedings appealed from, of the notice of and reasons for such Appellant to file certified copy of record.

When appeal shall become of non-effect.

Provide as to reinstatement of appeal.

appeal, and of the bond on appeal filed in the probate court and of the order of the probate court directing notice to the adverse party, together with evidence that notice has been given to the adverse party according to the order of the probate court. And in case the record herein required to be filed in the circuit court shall not be filed in such court within the time herein directed, such appeal shall cease to be of effect, and the order or decree so appealed from shall stand as though such appeal had not been taken. And the certificate of the clerk of such circuit court of the filing or non-filing of such record in the circuit court may be filed in the probate court from which such appeal was taken, and when so filed shall be treated as evidence: *Provided*, That the circuit court to which the appeal is taken shall have power, upon application within the first ten days of the term of court next succeeding the expiration of the said thirty days for filing said certified copy, to reinstate said appeal, when the party making the appeal has been prevented from perfecting the same by circumstances not under his control.

Approved June 10, 1887.

[No. 175.]

AN ACT to amend section four thousand four hundred and forty-three of the compiled laws of eighteen hundred and seventy-one, being section five thousand nine hundred and eleven of Howell's Annotated Statutes, relative to appeals from the decisions and report of commissioners on claims against deceased persons.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand four hundred and forty-three of the compiled laws of eighteen hundred and seventy-one, being section five thousand nine hundred and eleven of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Appellant to procure and file copy of record.

SEC. 5911. The party appealing shall procure and file in the circuit court to which the appeal is taken, within thirty days after the appeal is allowed, a certified copy of the record of the allowance or disallowance appealed from, of the application for and the bond on appeal filed in the probate court, and of the order allowing such appeal, together with evidence that notice has been given to the adverse party, according to the order of the probate court. And in case the record herein required to be filed in the circuit court shall not be filed [in] such court within the time herein directed, such appeal shall cease to be of effect, and the allowance or disallowance so appealed from shall stand as though such appeal had not been taken, and the certificate of the clerk of such circuit court of the filing or non-filing of such record in the circuit court may be filed in the probate court from which such appeal was taken, and when so filed

When appeal shall become of non-effect.

shall be treated as evidence: *Provided*, That the circuit court to which the appeal is taken shall have power, upon application within the first ten days of the term of court next succeeding the expiration of the said thirty days for filing said certified copy, to reinstate said appeal, when the party making the appeal has been prevented from perfecting the same by circumstances not under his control.

Proviso as to reinstatement of appeal.

Approved June 10, 1887.

[No. 176.]

AN ACT to prohibit appeals from orders of probate courts, removing executors, administrators, guardians and trustees in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That no appeal shall lie from any order of the probate court removing any executor, administrator, guardian or trustee for failure to give such new bond or render such account as may be required by order of such probate court in pursuance of law.

Appeal prohibited in certain cases.

Approved June 10, 1887.

[No. 177.]

AN ACT to amend section two of act number one hundred and sixty-eight, session laws of eighteen hundred and eighty-five, entitled "An act to amend sections one, two, three, four, five and six of 'An act establishing a State agency for the care of juvenile offenders,'" approved April twenty-ninth, eighteen hundred and seventy-three, as amended by an act to amend section one of said act, approved March nineteenth, eighteen hundred and seventy-five, the same being sections nine thousand eight hundred and ninety-four, nine thousand eight hundred ninety-five, nine thousand eight hundred ninety-six, nine thousand eight hundred ninety-seven, nine thousand eight hundred ninety-eight [and] nine thousand eight hundred ninety-nine of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number one hundred and sixty-eight, session laws of eighteen hundred and eighty-five, entitled "An act to amend sections one, two, three, four, five and six of 'An act establishing a State agency for the care of juvenile offenders,'" approved April twenty-nine, eighteen hundred and seventy-three, as amended by an act to amend section one of said act, approved March nineteenth, eighteen hundred seventy-five, the same being sections nine thousand eight hundred ninety-four, nine thousand eight hundred ninety-five, nine thousand eight hundred ninety-six, nine thousand eight hundred ninety-seven, nine thousand eight hundred ninety-eight and nine thousand

Section amended.

eight hundred ninety-nine of Howell's Annotated Statutes, be and the same hereby is amended so as to read as follows :

Court to notify agent of complaint against child.

Agent to make examination of parentage, etc., and report to court.

Court may order return of child to parents.

May authorize agent to bind out.

May send to reform school, etc.

SEC. 2. Whenever a complaint is made or pending against any boy under the age of sixteen years or girl under the age of seventeen years for the commission of any offense not punishable by law with imprisonment for life before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate at once, and before any further proceedings are had in the case, to give notice in writing of the pendency to said agent, if there shall be one in said county, who shall have opportunity allowed him to investigate the charge or charges, and upon receiving such notice the agent shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child, and of all the facts and circumstances of the case, and report the same to the court or magistrate, who shall advise and counsel with the said agent; and if upon such consultation, after full investigation and proof of the offense charged, it shall appear to the court that the public interest, and the interest of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents, guardian or friends; or he may authorize said agent, under the advice and approval of the judge of probate of the county, to take such child and bind him or her out to some suitable person until he or she shall have attained the age of twenty-one years, or for any less time, or impose a fine, or to suspend sentence for a definite or indefinite period; or if the child is found guilty of the offense charged, and appears to be willfully wayward and unmanageable, the court may cause him or her to be sent to the Reform School, Industrial Home for Girls, or to any State penal or reformatory institution authorized by law to receive such boy or girl, subject to such conditions of sex and age as are provided by law for the reception of children in said school or institution; and in such cases the report of the agent shall be attached to the mittimus, and the child shall be placed in charge of the agent, or some person designated by him, to be conveyed under his direction to the institution, for which service the same fees shall be allowed as are paid to sheriffs in like cases.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 178.]

AN ACT to amend section one of act number fifty-seven, public acts of eighteen hundred and seventy-seven, entitled "An act authorizing the mortgagee or his legal representatives to purchase property on sale by foreclosure under chattel mortgage," approved April twenty, eighteen hundred and seventy-seven, being compiler's section six thousand two hundred of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section one of act number fifty-seven, public acts of eighteen hundred and seventy-seven, entitled “An act authorizing the mortgagee or his legal representatives to purchase property on sale by foreclosure under chattel mortgage,” approved April twenty, eighteen hundred and seventy-seven, being compiler’s section six thousand two hundred of Howell’s Annotated Statutes, be and the same is hereby amended so as to read as follows:

(§6200.) SEC. 1. That at any sale of property upon foreclosure of a chattel mortgage, or of a pledge, the mortgagee or pledgee, or his or their assignees or legal representatives, may fairly and in good faith, purchase the property so offered for sale, or any part thereof. Mortgagee, etc., may purchase.

Approved June 10, 1887.

[No. 179.]

AN ACT to amend section number twenty-eight of chapter ten of the compiled laws of eighteen hundred and seventy-one, being section five hundred of Howell’s Annotated Statutes, relative to laying out, altering or discontinuing highways.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section twenty-eight of chapter ten of the compiled laws of eighteen hundred and seventy-one, being section five hundred of Howell’s Annotated Statutes, be and the same is amended so as to read as follows:

SEC. 28. Any person or persons feeling themselves aggrieved by the action of the board of supervisors by the laying out, altering, opening, or discontinuing any road designated by this act, may have their damage assessed by a jury composed of six freeholders residing in the township where the land through which said roads have been laid out, altered, opened or discontinued is situate. Such person or persons so complaining as against the action of such board, may within thirty days after receiving notice in writing from the clerk of such board of supervisors of any county that any road has been laid out, altered, opened or discontinued across lands owned by them, go before any justice of the peace in said township where such land is located and file with such justice a petition setting forth the fact of the locating, altering, establishing, or discontinuing of such road running through lands owned by him, whereby he has been or is likely to be damaged, and further praying the court that a *venire* be issued summoning a jury of six freeholders of said township to determine as to the amount of each damage that he has or is likely to sustain from the action of said board as aforesaid. On the receipt of such petition the said justice shall at once give notice to the petitioner in writing of the date when said petition will be heard before him, and shall also notify in writing the supervisor of said township of the time and place when the same will be heard, which shall not be less than

Damages on the laying out, etc., of roads.

Petition for damages.

Duty of justice on receipt of petition.

Jury.

Talesmen.

Determination
of jury to be
transmitted to
county clerk.Apportionment
of damages by
board of super-
visors.Proviso as to
bond of
petitioner.Further
proviso.

six days from the date of the petition, nor more than twelve. And on the date and at the hour mentioned in said notice the justice shall direct any constable of said township then present to write the names of eighteen freeholders from which to select a jury of six persons. On the compliance with such order by the constable, the supervisor, if he be present, and if not present, then the justice aforesaid, together with the person filing such petition, shall proceed to strike each alternately from such list, the names of six persons, and the remaining six names on said list shall constitute a jury for the purposes aforesaid. But in case any of such jurors on the original list shall be unable to sit, then the court shall direct the officer present to summon talesmen to take their places until such panel is full. When each panel is completed the justice shall swear them to well and truly determine as to the matters set forth in the petition of the person making the same. And said justice shall have full power to issue subpoena and compel the attendance of witnesses the same as he would have in matters triable before him; and all proceedings on the hearing of said petition shall be conducted as nearly as may be as are trials before justices of the peace. If the jury, on hearing all the evidence both for and against the allowance of damages, shall determine that the person claiming to be aggrieved is entitled to damages, then they shall determine as to the amount, and under their hands certify to the justice such sum, and in case they determine that such person or persons is not so entitled, they shall certify this fact to said justice, who shall, upon the rendition of such verdict, file the same, and within ten days from the date of its rendition, transmit the same to the clerk of said county, who shall at the next regular meeting of the board of supervisors of his county, present the same to such board and cause it to be entered upon the minutes of such board. And in case damages have been awarded, as aforesaid, then such board of supervisors shall apportion the amount to the several townships in said county, and the same, when so raised, shall go into and become a part of the general fund of such county, and they shall at the same time issue an order to the person or persons, or their representatives, or assigns, as the case may be, for such sum on the county treasurer, and payable out of this fund: *Provided*, That the person thus claiming damage shall file with such justice, at the time he files his petition, a bond in the penal sum of fifty dollars, conditioned to pay all costs of such justice, officer and jury; but in case damages are awarded, then the costs of such proceedings shall be certified by said justice along with the award and become a part and parcel thereof, and payable to said petitioner in addition to the award of the jury: *And provided further*, That in case the jury first summoned shall not agree, then the said cause or hearing shall stand adjourned to some day fixed by said justice, but not for a longer period than ten days; and on the day to which the same shall be continued, a jury shall be empaneled and the matter submitted as heretofore directed.

Approved June 10, 1887.

[No. 180.]

AN ACT to amend section three of an act entitled, “An act relative to the costs of proceedings in criminal cases,” approved March thirteenth, eighteen hundred and forty-nine, being section seven thousand four hundred and ninety of the compiled laws of eighteen hundred and seventy-one, as amended by act number two hundred and thirteen, session laws of eighteen hundred and seventy-nine, being compiler’s section nine thousand and sixty-five of Howell’s Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number seventy-eight of the session laws of eighteen hundred and forty-nine, being an act entitled, “An act relative to the costs of proceedings in criminal cases,” approved March thirteenth, eighteen hundred and forty-nine, being section seven thousand four hundred and ninety of the compiled laws of eighteen hundred and seventy-one, as amended by act number two hundred and thirteen, session laws of eighteen hundred and seventy-nine, being compiler’s section nine thousand and sixty-five of Howell’s Annotated Statutes, be and the same is hereby amended so as to read as follows:

Section
amended.

SEC. 3. In courts of record such witness shall prove his attendance and travel in open court before the clerk, and in justice courts before the justice, on the day of trial, or upon an examination and a certificate thereof from the justice, countersigned by the prosecuting attorney of the county, shall authorize the county clerk to draw an order upon the county treasurer for the payment of the fees of such witness attending such justice court as aforesaid, which order shall be paid by the said county treasurer in like manner as witness fees in courts of record are paid, and an order therefor from the clerk of such court of record shall authorize the county treasurer to pay the fees of witnesses attending such court of record as aforesaid in the same manner as the fees of jurors attending such courts are paid.

How fees of
witnesses
proved and
allowed.

Payment of
fees by county
treasurer.

Approved June 10, 1887.

[No. 181.]

AN ACT to take away from the Detroit and Saline Plank Road Company, a corporation incorporated under act number one hundred of the session laws of eighteen hundred and forty-eight, entitled “An act to incorporate the Detroit and Saline Plank Road Company,” all that part of its present road lying west of a public highway crossing it at right angles at a point about seven miles east of the city of Ypsilanti, known as Sheldon’s Corners.

SECTION 1. *The People of the State of Michigan enact*, The directors of the Detroit and Saline Plank Road Company having assented thereto, that all the rights of said company in that portion

Rights of
company to the
use of certain
portion of road
taken away.

Proviso.

of its present road lying west of a public highway crossing it at right angles at a point about seven miles east of the city of Ypsilanti, known as Sheldon's Corners, are hereby taken away, and henceforth said company shall collect no tolls over that portion of its road, and shall not be required to keep the same in repair: *Provided*, That this act shall not take effect until said plank road company shall file with the Secretary of State consent in writing thereto; and, *Provided further*, That the State shall in no case be liable in any amount therefor.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 182.]

AN ACT to amend section two of chapter two of an act entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," being act number two hundred and twenty-seven of the session laws of eighteen hundred and eighty-five, approved June twenty, eighteen hundred and eighty-five, relative to the appointment of county drain [drains] commissioners in certain cases.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of chapter two of an act entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," being act number two hundred and twenty-seven of the session laws of eighteen hundred and eighty-five, approved June twenty, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

County drain commissioner, appointment of, and term of office.

SEC. 2. The board of supervisors of each organized county in this State shall, at their annual meeting in the year eighteen hundred and eighty-five, and every second year thereafter, appoint one county drain commissioner, whose term of office shall be two years, and shall begin on the first day of January following his appointment. All county drain commissioners holding office at the time this act takes effect shall continue in office until the first day of January, eighteen hundred and eighty-six, and no longer. In case of vacancy in the office of the county drain commissioner occurring thirty days or more previous to a regular or special meeting of the board of supervisors, the same shall be filled [filled] within ten days, or as soon thereafter as practicable, by appointment by the county clerk and prosecuting attorney of the county, and the person so appointed shall hold his office until the next regular or special meeting of the board of supervisors, when the said board shall file [fill] such vacancy: *Provided*, That if the board of supervisors of any county, upon a full consideration of the matter, shall deem it not advisable to appoint a county drain commissioner the provisions of this section shall not be deemed mandatory, but such

Vacancy, how and by whom filled.

Proviso.

appointment may be made at any subsequent regular or special meeting of such board for any unexpired portion of the official term as fixed by this section: *Provided further*, That in any county in this State where the board of supervisors shall not have appointed a county drain commissioner under the provisions of this section, and where any drain is sought to be constructed in any such county, the laying out and construction of which would be wholly under the jurisdiction of a county drain commissioner, that on an application to the judge of probate of such county, signed by at least five persons who shall be resident freeholders of the township or townships in said county where a drain is sought to be constructed, at least one of said petitioners shall be the owner or owners of land and liable for an assessment for benefits in and for the construction of such proposed drain, the said petition setting forth the fact that a drain is sought to be constructed, and asking that a special county drain commissioner be appointed, who shall take charge of the laying out and construction of said proposed drain, whereupon the judge of probate so petitioned shall appoint some suitable person as such special commissioner, who shall be a resident freeholder in said county, and [who] shall have the same power and be governed by the same laws relative to drainage as county drain commissioners duly appointed by the board of supervisors: *Provided*, That the power and jurisdiction of said special commissioner shall extend only in the laying out and construction of the drain for which he was appointed, and his term of office shall expire when the said drain is completed, or when the board of supervisors of such county shall have appointed a county drain commissioner, and said county drain commissioner so appointed has been duly qualified; and every regular or special county drain commissioner shall, within ten days after his appointment, take, subscribe and file with the county clerk the oath of office required by the constitution of this State, and shall also within the same time execute and file with such clerk a bond to the county in the penal sum of three thousand dollars, with two or more sufficient sureties, to be approved by such clerk, conditioned upon the faithful discharge of the duties of his office.

Further proviso in cases where no county drain commissioner has been appointed by supervisors.

Proceedings to appoint.

Appointment of special commissioner.

Proviso as to power and term of office of special commissioner.

Oath and bond.

This act is ordered to take immediate effect.

Approved June 13, 1887.

[No. 183.]

AN ACT to amend section fifteen of chapter one hundred and seventy-nine of the compiled laws of eighteen hundred and seventy-one, relative to criminal proceedings before justices of the peace, as amended by act number one hundred and sixty-nine of the session laws of eighteen hundred and seventy-seven, being compiler's section seven thousand one hundred and six of Howell's Annotated Statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen of chapter one hundred and seventy-nine of the compiled laws of eighteen hundred and seventy-one, relative to criminal proceedings before justices of the peace, as amended by act number one hundred and sixty-nine of the session laws of eighteen hundred and seventy-seven, being compiler's section seven thousand one hundred and six of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Verdict, how
delivered and
entered.

Fees of jurors,
how drawn.

SEC. 15. When the jurors have agreed on their verdict they shall deliver the same to the court, publicly, who shall enter it in the minutes of its proceedings, and the jurors shall each be entitled to the same fees as are or may be provided by law for jurors sworn in civil cases before justices of the peace, and a certificate thereof from the justice in whose court such jurors served, countersigned by the prosecuting attorney of the county, given to each of said jurors, shall authorize the county clerk of the county to draw an order upon the county treasurer of the county in favor of each of said jurors for the payment of the fees of such juror, which order shall be paid in like manner as jurors' fees in courts of record are paid.

Approved June 13, 1887.

[No. 184.]

AN ACT to provide for an appropriation for the preparation, publication and distribution of the proceedings of the annual meetings of the Michigan superintendents of the poor for the years eighteen hundred and eighty-seven and eighty-eight.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated from the general fund the sum of one hundred and fifty dollars for each of the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight, to be expended for the preparation, publication and distribution of the proceedings of the annual meetings of the Michigan superintendents of the poor for each of said years.

Moneys, how
and by whom
expended.

SEC. 2. Said moneys shall be expended under the direction of the secretary of the State Board of Corrections and Charities, who shall report to the Governor on or before the first day of July in each of said years, giving an itemized account of the manner of such expenditures, and the Auditor General shall issue his warrant for the payment of said moneys on presentation to him of the order of the president of the State Board of Corrections and Charities, countersigned by the secretary thereof.

Tax for
appropriation.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-seven the sum of one hundred and fifty dollars, and for the year eighteen hundred and eighty-eight the sum of one hundred and fifty dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be

placed to the credit of the general fund to reimburse it for the sums appropriated by section one of this act.

Approved June 16, 1887.

[No. 185.]

AN ACT making an appropriation for the State Industrial Home for Girls for the year [years] eighteen hundred and eighty-seven and eighteen hundred and eighty-eight.

SECTION 1. *The People of the State of Michigan enact, That* there be and is hereby appropriated out of the general fund the following sums of money for the State Industrial Home for Girls: For administrative building and superintendent's house, finished and furnished, including heating and lighting apparatus, complete and ready for occupancy, the sum of ten thousand dollars, said building to be built and tax assessed in the year eighteen hundred and eighty-eight; for greenhouse, five hundred dollars; for additional water supply, five hundred dollars; for a new cottage, and plumbing, gas-fitting, heating and furnishing the same, complete, ready for occupancy, the sum of thirteen thousand dollars; for the current expenses of said home for the year eighteen hundred and eighty-seven, including the salaries of officers, pay of employes, fuel and lights, and table and clothing expenses, the sum of thirty thousand dollars; and for current expenses for the year eighteen hundred and eighty-eight, including the salaries of officers, pay of employes, fuel and lights and table and clothing expenses, the sum of thirty-three thousand dollars.

SEC. 2. There shall be assessed upon the taxable property of the State in the year eighteen hundred and eighty-seven the sum of forty-four thousand dollars, and in the year eighteen hundred and eighty-eight the sum of forty-three thousand dollars, to be assessed and levied in like manner as other State taxes are by law levied, assessed and paid; which tax, when collected, shall be credited up to the general fund to reimburse to the same the sum to be drawn therefrom as provided in this act.

This act is ordered to take immediate effect.

Approved June 16, 1887.

[No. 186.]

AN ACT to provide additional fire protection at the Michigan Soldiers' Home, and the making of necessary repairs at said Home, and to make an appropriation therefor, and to determine the method of treating and disposing of part of an appropriation provided for by act number one hundred and two of the present session of the Legislature, approved May twelfth, eighteen hundred and eighty-seven.

Appropriation
and purposes of.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated from the general fund the sum of six thousand three hundred dollars for the purpose of providing additional fire protection at the Michigan Soldiers' Home, and for additional hospital fittings and accommodations at said institution.

Act No. 102,
of 1887, how
construed.

SEC. 2. Act number one hundred and two of the present session of the Legislature, entitled "An act making an appropriation for the current expenses of the Michigan Soldiers' Home, and other expenses necessary to the maintenance and improvement thereof for the years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight," approved May twelfth, eighteen hundred and eighty-seven, shall be so construed as to authorize the sum of twelve thousand dollars, or so much thereof as may be necessary, to be taken from the amount appropriated for clothing and subsistence and applied to transportation and contingent account, the same to be credited to such account and be available to such institution as aforesaid as needed.

Tax for
appropriation.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-seven the sum of six thousand three hundred dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum, when collected, shall be passed to the credit of the general fund to reimburse the same for the amount appropriated under the provisions of this act.

This act is ordered to take immediate effect.

Approved June 17, 1887.

[No. 187.]

AN ACT to revise the laws providing for the incorporation of coöperative and mutual benefit associations, and to define the powers and duties and regulate the transaction of the business of all such corporations and associations doing business within this State.

Seven or more
persons may
incorporate.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than seven, who shall be citizens of this State, desiring to become a body corporate for the purpose of carrying on upon the assessment or coöperative plan the business either of insuring the lives of members, or of providing to members indemnity for disability or deaths by accident, may, by complying with the provisions hereof, become, with those that may thereafter be associated with them or their successors, a body corporate and politic. If the insurance is to accrue through the death of the insured person, the contract shall be of life insurance; if through the accidental death only or the physical disability from accident to the insured, it shall be of casualty insurance: *Provided*, That no corporation shall be organized hereunder for both of such purposes.

Proviso.

SEC. 2. The persons proposing the formation of such corporation shall associate by signing articles of association in duplicate, and acknowledging the same before some officer of this State authorized to take the acknowledgment of deeds, who shall append thereto his certificate of such acknowledgment.

Articles of association.

SEC. 3. Such articles shall state:

What to state.

First, The names of the persons associating in the first instance, and their respective places of residence;

Second, The name by which such corporation shall be known in law, the place in this State where its principal office for the transaction of its business is to be located, and the period for which it is to be incorporated, not to exceed thirty years;

Third, The object of the incorporation, the number of classes or divisions of members therein and the object or purpose of such classification or division, all of which shall be definitely and correctly stated;

Fourth, In what manner and amount assessments, premiums or payments are to be required from the members, the purposes and objects to which the moneys so realized are to be appropriated, and the names and objects of each fund into which any of such money shall be paid;

Fifth, The number of its trustees and regular officers, and the time and place of holding the annual meeting of the members;

Sixth, The ages within which members shall be accepted, and such other matters not inconsistent with this act as may be approved by the Attorney General and Commissioner of Insurance as hereinafter provided.

SEC. 4. Upon the execution and acknowledgment of such articles the same shall forthwith be submitted to the Attorney General and Commissioner of Insurance for examination, and if such articles shall be found to comply with the provisions of this act said officers shall respectively endorse the same with their approval, and said articles shall thereupon be filed and recorded in the office of the Secretary of State and of the clerk of the county in which the principal office of the corporation is located, and a certified copy thereof shall be filed in the office of the Commissioner of Insurance. Notice of the intention to organize such corporation shall be published for four successive weeks in some newspaper published in the county in which its principal office is to be located, and proof of such publication shall be presented to the Attorney General at the time the articles of association are submitted to him for examination as aforesaid.

Examination and filing of.

Notice of intention to organize.

SEC. 5. Upon the recording and filing of such articles as aforesaid, the signers thereof shall, with those who may thereafter become associated with them, become and be a body corporate and politic for the purpose set forth in said articles. The Secretary of State and the county clerk aforesaid shall each certify on said articles the date of recording as aforesaid, giving the date and book and page of record. The original articles, or the record thereof, or a copy thereof, certified by the Secretary of State, shall be *prima facie* evidence in all proceedings of the due for-

When to become a body corporate.

Certificate of Secretary of State, etc.

Articles, etc., to be evidence.

mation, existence and capacity of such corporation; but such articles of association shall become void on the expiration of one year from the date of record thereof, unless a certificate of authority to do business has been issued as hereinafter provided.

When to commence business.

SEC. 6. Such corporation shall not commence business unless it shall have procured *bona fide* agreements for insurance therein from at least two hundred eligible persons to an amount of not less than one thousand dollars each, and shall have received at least one assessment thereon in cash from each of such persons, according to the rate and plan set forth in its articles of association, which amount so received in cash shall aggregate at least one thousand dollars; nor until it has fully organized by the election of the proper and suitable officers, and the secretary and treasurer shall have given good and sufficient bonds to the association, to be held by the president of the association, for the faithful performance of their duties, which bonds shall not be less than two thousand dollars, and shall be at least twice the amount of money liable to come into their hands as such officers at any one time; said bonds to be approved by the Commissioner of Insurance. The president and secretary of such corporation shall furnish, under oath, to the Commissioner of Insurance, proof of such agreements for insurance, giving the name, residence, age and amount of insurance applied for by each applicant, and the amount of assessment actually paid by each applicant, and also proof of the election and qualification of the officers; and the custodian of the funds of such corporation shall furnish to the Commissioner of Insurance a certificate, under oath, that he has received and holds in trust for the benefit of the beneficiaries of such applicants the sum of one thousand dollars or more.

Certificate of authority to do business, etc.

SEC. 7. Upon compliance with the provisions of this act, and upon payment of a fee of ten dollars, for the benefit of the State, to the Commissioner of Insurance, he shall issue to the corporation so complying a certificate of authority to do business in this State for the period of one year from the first day of April of the year of its issue, unless the same be sooner revoked.

Trustees, how chosen, term of office, etc.

SEC. 8. The property, business and affairs of such corporation, organized under the laws of this State, shall be managed by not less than five nor more than twenty trustees, to be chosen by and from the members at their annual meeting. They shall hold office for one year, and until their successors are chosen: *Provided*, It shall be lawful to designate the trustees, who shall be members, for the first year, in the articles of association. If, for any reason, trustees shall not be elected at the annual meeting in any year, the corporation shall not be thereby dissolved or impaired, but an election may be held at any time within one year thereafter, to be fixed, and notice thereof to be given by the secretary in the manner hereinafter specified for calling special meetings of the members; and in case of a refusal or neglect to call such election, any twenty-five members may call the same upon the same notice as hereinafter provided for calling

Proviso.

May be elected at special meeting, etc.

special meetings of the members. All of such trustees shall be citizens of the United States, and a majority shall be residents of the State of Michigan.

SEC. 9. The trustees shall choose from their number such officers as the articles of association or by-laws may prescribe. They may also appoint such agents and employes as may from time to time be required. Officers and agents.

SEC. 10. A majority of the trustees duly convened according to the by-laws shall constitute a quorum for the transaction of business. The trustees shall adopt by-laws and regulations not inconsistent with the articles of association or the provisions of this act. Quorum.
By-laws.

SEC. 11. The books, papers, and documents of such corporation organized under the laws of this State shall be kept at its principal office, and every such corporation shall provide in its articles of association for the accumulation of an emergency fund, which shall not at any time be less than the maximum amount at risk on any one life, which fund, together with the income thereon, shall be a trust fund for the payment of death claims, or other benefits provided for in their policies or certificates; said fund shall be accumulated by existing corporations within six months from the time of the taking effect of this act, and by all others from the date of their incorporation; such fund with the increase thereof, shall be deposited, under trust deeds, to the credit of the corporate name of the corporation in some incorporated bank or banks, or may be invested by the trustees in its corporate name, in such securities as insurance companies are allowed by law to invest their funds. Such corporations organized in this State shall not have the power to take or hold real estate, except such as may be necessary for the transaction of its business, or may be acquired in the foreclosure of mortgages; and all real estate acquired in the foreclosure of mortgages shall be sold or disposed of within five years after the title has been perfected in any such corporation. Annual statements of the transactions and financial condition of such corporation shall be made at the annual meeting of its members, and a copy of each annual statement filed with the insurance department of this State, in so far as it relates to its financial transactions and condition, and its certificate or policy account shall be mailed to every member within thirty days from the date of filing such statement: *Provided*, That any corporation heretofore or that may be hereafter organized, whose members are limited to the order of Free and Accepted Masons, their wives and widows, shall not be required to accumulate any emergency fund as provided by this section, unless the board of directors of such corporation shall adopt a resolution requiring it to be done, and file the same with the Commissioner of Insurance. Books, papers, etc.
Trust fund.
May hold certain real estate.
Annual statements, etc.
Proviso.

SEC. 12. Every person insured in any corporation organized in this State shall be a member of such corporation, and shall be entitled at all meetings of the members to at least one vote, and may vote in person or by proxy under such rules and regulations Persons insured, members of corporation.

Special meetings, when called, etc.	as may be provided in the by-laws of such corporation. The books of such corporation or association shall be open for inspection by any member of said organization at any of its meetings.
Name of corporation.	SEC. 13. Special meetings of the members may be called by the trustees at any time when deemed advisable, and notice of all meetings of the members shall be given by mailing to each member a copy of such notice, postage pre-paid, and directed to his last known postoffice address at least fifteen days prior to the time fixed for such meeting, and such notice shall state the time, place, and if it be a special meeting, the purpose of such meeting. SEC. 14. Corporations organized in this State shall not take any name in use by any other organization of this State, or so closely resembling such name as to mislead the public as to its identity.
Policy or certificate to specify sum it promises to pay, etc.	SEC. 15. Every policy or certificate hereafter issued by any corporation organized in this State, and doing business under this act, and promising a payment to be made upon a contingency of death or of disability by accident, shall specify the sum of money it promises to pay upon each contingency insured against, and the number of days after the satisfactory proof of the happening of such contingency at which such payment shall be made; and upon the occurrence of such contingency, unless the contract shall have been voided by fraud or by breach of its conditions, the corporation shall be obligated to the beneficiary for such payment at the time and to the amount specified in the policy or certificate; and this indebtedness shall have priority over all indebtedness thereafter incurred, except as hereinafter provided in case of the distribution of assets of an insolvent corporation. If the Commissioner of Insurance shall be satisfied, on investigation, that any such corporation has refused or failed to make such payment for thirty days after it became due and after proper demand, he shall proceed without delay to investigate the condition of the corporation, and shall have full power in person, by deputy, or by department examiners, commissioned by him, to examine the books, papers and accounts, and to examine, under oath, its officers, agents, clerks and certificate holders, or other persons having knowledge of its business, and if it shall appear to him that its liabilities for death claims and other debts due and unpaid exceed its resources, and that it cannot within a reasonable time, not more than three months from the date of the original default, pay such liabilities in full, he shall report the same to the Attorney General, who shall, upon such report, institute proceedings as provided in section twenty-two of this act: <i>Provided</i>, That any corporation heretofore or that may be hereafter organized, whose membership is limited to the order of Free and Accepted Masons, their wives and widows, shall not be required to pay upon any death loss any sum beyond the amount actually realized upon the assessment made upon such death loss, if it clearly appears in the policy or certificate of membership to have been so intended at the time of insuring.
When commissioner may proceed to investigate, etc.	SEC. 16. Corporations organized, existing or doing business in this State under or by virtue of the provisions of this act shall not
Proviso.	
Limit of age in issuing policies.	

issue any policy or certificate of membership upon the life of any person over the age of sixty-five years, nor upon any person not capable in law of making contracts, nor upon any life in which the beneficiary named has not an insurable interest, nor unless the person whose life is proposed for insurance shall have made and signed an application for such certificate or policy, and shall have undergone a careful physical examination by some physician of good repute, who shall make a detailed certificate thereof to be attached to such application, showing that the applicant is in good health, and recommending the issue of the certificate or policy applied for. Any member of any such corporation or association shall have the right at any time, with the consent of such corporation or association, and with the consent of the beneficiary, if he be a creditor, to make a change in his beneficiary within the limits above specified. Such corporations shall not issue policies or certificates to beneficiaries as creditor or creditors that do not state they are for collateral security payable as the interests of such beneficiaries may appear, and in every such case said creditor or creditors shall only be entitled to such portion of the amount insured (not exceeding the face of the policy or certificate), as shall cover the indebtedness of the member to said creditor at the date of his death, and proof of said indebtedness shall be made under oath, and the member may designate in such certificate some beneficiary within the above limits to whom such certificates shall be payable after the claims of such creditors have been satisfied. Any certificate or policy issued in violation of the above provisions shall be void as to the beneficiary therein named, but the amount thereof shall in case of death be payable to the heirs of the member: *Provided*, That nothing in this section contained shall prohibit the re-instatement of a risk on any life where the policy may have lapsed through inadvertence or otherwise; nor shall this section apply to accident insurance policies.

Members shall have the right to make change in beneficiary, etc.

Certificate, etc., issued in violation of provisions, etc., void.
17' proviso.

SEC. 17. No corporation or association organized or doing business under or by virtue of the laws of any other State or territory of the United States or District of Columbia, or foreign country, for the purpose of insuring lives or furnishing accident indemnity upon the coöperative assessment plan, shall be authorized to do business in this State until it shall have obtained a certificate of authority from the Commissioner of Insurance of this State as hereinafter provided; nor unless the State or territory of the United States or District of Columbia, or foreign country, under whose laws such corporation or association is organized, shall extend the right to such corporations in this State to do business in such State or territory of the United States or District of Columbia, or foreign country, upon similar conditions to those in this act prescribed. When any other State or territory of the United States or District of Columbia, or foreign country shall impose any obligation upon any such corporation of this State, the like obligation shall be imposed on similar corporations and their agents of such State or territory of the United States or District of Columbia, or foreign country, doing business in this State. Such foreign corporation

Certificate of authority from Commissioner of Insurance necessary.

Obligations imposed by other States, how treated.

What foreign corporations to furnish Commissioner.

Foreign corporations to appoint attorney in this State.

Certificate of authority to foreign corporations.

Provide.

Persons acting as agents, etc., for corporations not authorized, etc., guilty of a misdemeanor.

or association shall furnish to the Commissioner of Insurance of this State certified copies of its articles of association or charter, and its by-laws, together with a sworn statement of its business of the preceding year, giving in detail the same information as is required by the annual statement of corporations organized hereunder, together with a copy of its application and certificate or policy, and a certificate, under oath, of its president and secretary that it does not issue policies or certificates upon the lives of persons over sixty-five years of age, nor upon any person unless such person shall have personally made and signed an application for such certificate or policy, and that it has in force policies of insurance on which the proceeds of one assessment will pay the highest amount insured upon each of the lives of members for which the assessment is levied, the full amount agreed to be paid upon the death of any one member, and that it is paying, and for the twelve months next preceding has paid, the highest amount named in its policies or certificates in full. Such foreign corporation or association shall also appoint some citizen and resident of this State its attorney upon whom all process against said corporation or association may be served, and shall also agree that such service may be made upon the Commissioner of Insurance of this State, who shall be deemed its agent for that purpose, and such agent or commissioner shall immediately mail to the secretary of such corporation or association a certified copy of the process thus served. All papers above referred to shall be preserved in the office of the Commissioner of Insurance. Such foreign corporation or association shall also furnish to the Commissioner of Insurance of this State a certificate from the insurance department, if any, of its home State or territory of the United States or District of Columbia, or foreign country, that it is authorized to do business in such home State or territory of the United States or District of Columbia, or foreign country, and shall also, if the Commissioner of Insurance of this State requires it, submit to a full examination of its business and affairs by the Commissioner of Insurance, or by some person designated by him, and at its own expense.

SEC. 18. Upon compliance with the provisions of the preceding section, and the payment to the Commissioner of Insurance for the use of the State, of a fee of twenty-five dollars, he shall issue to the corporation or association so complying a certificate of authority to do business within this State for the period of one year from the first day of April of the year of its issue unless the same be sooner revoked: *Provided*, That such certificate of authority to do business in this State shall not be issued unless such corporation is doing business in conformity with the provisions of this act

SEC. 19. No person shall within the State act as agent, solicitor, officer, trustee or otherwise in receiving or procuring applications for insurance in any assessment or coöperative corporation or association (except for the purpose of taking such applications preliminary to organization), or transact or carry on any business

of such corporation or association, unless such corporation or association for which he is so acting shall then be authorized, as provided in this act, to do business within this State, and no person shall collect, receive or remit any money on assessments or otherwise for any company not authorized to do business in this State. And any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall for each offense be punished by a fine not exceeding five hundred dollars and the costs of prosecution, or by imprisonment in the county jail not to exceed three months, or by both such fine and imprisonment, in the discretion of the court; and the prosecuting attorney of the proper county shall prosecute persons charged with violation of this section. If the Commissioner of Insurance shall receive evidence to satisfy him of the violation of any of the provisions of this act it is hereby made his duty to investigate the same, by himself or his deputy, and if, in his opinion, sufficient evidence is found to convict of such violation, to notify the Attorney General thereof, and he shall cause a complaint to be entered against the person or persons offending, and the necessary traveling expenses under this section shall be audited by the Board of Auditors and paid from the general fund.

Penalty, etc.

Duty of Commissioner in case of violation, etc.

SEC. 20. The business year of every corporation or association organized, existing or doing business in this State under and by virtue of the provisions of this act shall close on the thirty-first day of December in each year, and every such corporation or association shall, within sixty days thereafter, prepare under oath of its president and secretary and file in the office of the Commissioner of Insurance of this State a detailed statement showing its assets and how invested, liabilities, receipts from assessments and all other sources, an itemized account of all expenditures, salaries of officers, number of policies or certificates in force, amount insured thereby, death losses and benefits paid, and amount paid on each death loss or benefit, death or accident losses reported but not paid, death or accident losses contested, and why, and shall answer such other questions as the Commissioner (who shall furnish blanks for the purpose), may require in order to ascertain its true financial condition, and shall pay to the State upon filing each annual statement a fee of five dollars for each Michigan corporation, and twenty-five dollars for each foreign corporation. The Commissioner shall publish such annual statements in detail in his annual report, and for the purpose of verifying any such statement, or of ascertaining the true condition of the corporation or association making it, the Commissioner may at any time make or cause to be made an examination of the affairs of any such corporation or association doing business under this act at the expense of such corporation or association, which expense shall not exceed the necessary hotel and traveling expenses of the Commissioner and one clerk: *Provided*, That if the Commissioner find it necessary to appoint some person not employed in his office to make such examination the corporation or association

Business year of corporation.

Detailed statement, preparation and filing of.

Publication of annual statement.

Examination, etc.

Provided.

examined shall pay, in addition to the expenses above referred to, the reasonable charges of the person so appointed, not exceeding five dollars a day for the time actually employed. Any foreign corporation or association shall also furnish to the Commissioner certified copies of all changes, if any, in its organization, or plan of doing business, and satisfactory evidence that it is still authorized to do business in its home State or territory of the United States, or District of Columbia, or foreign country.

Certificate of authority to continue to do business, etc.

SEC. 21. Upon the filing of such annual statement, if the Commissioner shall find that the corporation or association making the same is still organized and doing business in conformity to the provisions of this act, he shall issue his certificate authorizing such corporation or association to do business in this State for a period of one year from the first day of April of the year of its issue, unless sooner revoked.

Duty of Commissioner in case of failure to make annual statement, etc.

SEC. 22. Whenever any corporation organized, existing, or doing business under or by virtue of the provisions of this act shall fail to make the annual statement required by this act, or whenever the Commissioner of Insurance shall, after a full examination of its affairs, find sufficient evidence that such corporation or association is conducting its business fraudulently, or not in compliance with the provisions of this act, or is not carrying out its contracts with its members in good faith, he shall immediately report to the Attorney General such evidence and copies of any papers, statements, or reports in his office relating to the matter. Upon receiving such evidence, papers and reports, the Attorney General, if he is satisfied from the evidence, papers, statements, or reports that such corporation is conducting its business fraudulently, or not in compliance with the provisions of this act, or is not carrying out its contracts with its members in good faith, shall, if it be organized under the laws of any other State or territory of the United States, or District of Columbia, or foreign country, immediately notify the corporation or association to cease to do business in this State under pain of the penalties prescribed by law, and he shall also instruct the prosecuting attorney of the proper counties to prosecute for all violations of this act. But if such corporation or association be organized and created by the laws of this State, the Attorney General shall at once institute proceedings, in such form as he shall deem advisable, in the name of the People of the State of Michigan, in the circuit court in chancery of the county in which the principal office of such corporation or association is located, of which proceedings such corporation or association shall have such notice as the court shall direct, and may bring before such court all the officers of such corporation or association, and such court shall cause a full hearing to be had of all the facts and circumstances relating to the business and condition of such corporation or association, and such court may, if it shall appear for the best interests of the members, after a full hearing as aforesaid, remove any or all of the officers of such corporation or association, and appoint others in their place until the next annual election, or

Duty of Attorney General if a foreign corporation.

In case of a State corporation.

Duty of court.

may decree that such corporation or association be deemed to have forfeited its corporate existence and direct its affairs to be wound up, and for that purpose may appoint a receiver thereof, and regulate and control the acts and proceedings of such receiver. Such receiver may, under the direction of the court, transfer the members of such corporation or association, who consent thereto, to some other similar solvent Michigan corporation or association, with its consent, to be selected by the insured or by the court, or said receiver may, by order of the court, continue the business for the purpose of paying all death claims and accident benefits which have accrued at the time of his appointment, which claims shall be deemed preferred claims, and he may by such order be directed to make assessments upon all members liable therefor, but only to the extent to which they are liable according to the rates and plans and under the contract by which they are severally insured, for the purpose of paying such death losses and accident benefits and the expenses of making such assessments and of such receivership, or he may be ordered to divide and distribute any accumulated funds among the members entitled thereto.

Duty of receiver.

SEC. 23. Any agent, physician, or other person, who shall, by means of concealment or false or fraudulent statements or representations secure, or assist in securing, from any such corporation or association a policy or certificate of membership on the life of any person, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Agent, physician, etc., fraudulently receiving, etc., policy, etc., guilty of a misdemeanor.

SEC. 24. Any corporation or association whose purpose it is to insure the lives of its members, or to furnish its members indemnity against accident, upon the assessment plan, that may now be organized and doing business under any of the laws of this State, or that may hereafter be organized under the provisions of this act, may amend its articles of association at any regular or special meeting of the members duly called, such amendments having been concurred in by a majority of the members present and voting upon such amendment; but such amended articles shall not take effect until they have been examined, approved, and recorded and filed in the manner provided in section four of this act.

When corporation may amend its articles of association.

SEC. 25. This act shall not be construed to apply to secret or fraternal societies, lodges or councils now doing business, or that may be hereafter organized in this State, which are, or shall be under the supervision of a grand or supreme body, and secure members through the lodge system exclusively, nor to any association organized solely for benevolent purposes, composed wholly of the members of one occupation, profession or religious denomination, or fraternal society, their wives or widows, now organized and doing business in this State: *Provided*, That any society or organization named in this section may, by complying with the

How act to be construed relative to certain societies, etc.

Provided.

provisions of this act, be entitled to all the privileges and be amenable to all the obligations of this act.

Acts repealed.

SEC. 26. Act number one hundred and four of the session laws of eighteen hundred and sixty-nine, entitled "An act to provide for the incorporation of coöperative and mutual benefit associations," and act number one hundred and ninety-two of the public acts of eighteen hundred and eighty-three, entitled "An act relating to coöperative corporations or associations organized under chapter ninety-four of the compiled laws of eighteen hundred and seventy-one, and repealing all acts and parts of acts inconsistent herewith," approved June eight, eighteen hundred and eighty-three, and act number one hundred and eighty-one of the public acts of eighteen hundred and eighty-three, entitled "An act authorizing foreign coöperative corporations or associations to transact business in this State," approved June eight, eighteen hundred and eighty-three, and all acts and parts of acts supplemental to or amendatory of any of the above acts, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, except in so far as they apply to societies and organizations mentioned in section twenty-five of this act. But the repeal of the foregoing acts shall not dissolve any corporation or association now organized and existing under said several acts above mentioned, or either of them, provided that such corporation or association shall be found by the Attorney General and Commissioner of Insurance, after such examination as is provided for in sections four and seventeen of this act, to be organized and doing business in substantial conformity to the provisions of this act, or shall be made to so conform by immediate amendment of its articles of association, and such corporations or associations having been found or so made to conform as aforesaid, shall continue of the same effect and force as though the said act or acts had not been repealed, and shall, from and after the taking effect of this act, be deemed to be corporations organized under the provisions of this act, and shall be subject to all the provisions hereof as fully as though such corporations or associations had been originally created hereunder, and may continue and carry on the business specified in their articles of association under the provisions of this act as if the acts mentioned in this section had not been repealed.

Certain corporations not dissolved by repeal of certain acts.

Provisions and benefits of certain acts extended to corporations organized under this act.

SEC. 27. The provisions and benefits of act number twenty-nine, public acts of eighteen hundred and seventy-seven, entitled "An act to facilitate the organization of mutual benefit and coöperative associations within this State," approved March twelfth, eighteen hundred and seventy-seven, the same being compiler's section four thousand two hundred and forty-six of Howell's Annotated Statutes of this State, shall apply and extend to all corporations or associations organized, existing, continued or doing business under this act.

What notice of assessment, etc., shall specify.

SEC. 28. Every notice of an assessment or call made by any corporation or association organized, existing or doing business hereunder shall specify the amount to be paid, the loss or benefit.

for the payment of which the call or assessment is made, and the time and place for the payment of the same, together with a correct statement of the mortuary or beneficiary fund, and of the emergency fund, showing the receipts, disbursements and balances. No funds or moneys received or collected by any corporation or association organized, existing or doing business hereunder, for the purpose of paying or providing for the payment of death losses or accident indemnities shall be used or paid out for any other purpose whatever.

SEC. 29. The proceeds of any certificate or policy issued by any such corporation or association, except such as are expressly made payable to a creditor or the legal representatives of a member, shall be payable in case of death or accident to the beneficiary named therein free from all claims of the representatives of such member, or of any of his creditors.

Proceeds of certificate to whom paid.

SEC. 30. No policy or certificate issued by any corporation or association doing business under the provisions of this act shall be cancelled for the non-payment of any assessment or the non-payment of dues, without first having mailed to the holder of such policy or certificate, at his or her last known postoffice address, the following notice by registered letter:

Notice to holder before cancellation of certificate.

You are hereby notified that assessment No. —, on policy or certificate No. —, has not been paid. Unless the amount of \$—, the amount due on said assessment, and fifty cents as charges for this notice, is paid within ten days from the date hereof, your policy or certificate will be cancelled.

Approved June 17, 1887.

[No. 188.]

AN ACT authorizing the Board of Control of State Swamp Lands to make an appropriation of lands for the improvement of Falls Creek, in the county of Alpena.

SECTION 1. *The People of the State of Michigan enact*, That the Board of Control of State Swamp Lands be and they are hereby authorized and directed, if in their judgment the public interest requires it, to remove or cause to be removed, in such manner as to them may seem best, but under their direction and control, certain jams or rafts of floodwood, and to deepen the channel where necessary in Falls Creek, in the townships of Maple Ridge and Alpena, in the county of Alpena, and appropriate and use for that purpose not to exceed three sections of State swamp lands, to be selected from lands located in the county of Alpena.

Board of Control of State Swamp Lands to remove, etc., obstructions in Falls Creek and appropriate lands therefor.

SEC. 2. The [said] Board of Control shall cause an examination by one of their number, or otherwise, of the work to be done, and the estimated cost thereof, and to report to said board thereon the necessity of doing such work and the estimated cost thereof, before the first day of July, eighteen hundred and eighty-seven.

Board to examine and estimate cost of work.

When to advertise for proposals to do such work, etc.

Publication of notices.

Limit of amount of lands and place of selection.

SEC. 3. It shall be the duty of said board on or before the first day of August, eighteen hundred and eighty-seven, if, upon such examination, they shall deem the same necessary, to advertise for sealed proposals for doing such work, stating in the notice that the work is to be paid for in State swamp lands situate in the county of Alpena, which notice shall be published once a week for six consecutive weeks in two newspapers printed and published in the county of Alpena.

SEC. 4. For the purpose of carrying out the provisions of this act the Board of Control of State Swamp Lands is hereby authorized to appropriate not to exceed three sections of State swamp land, of six hundred and forty acres each, to be selected from the State swamp lands in the county of Alpena.

This act is ordered to take immediate effect.

Approved June 17, 1887.

[No. 189.]

AN ACT to prohibit the selling, furnishing or giving of any spirituous, malt, fermented or vinous liquors to any inmate of the Michigan Soldiers' Home.

Unlawful to furnish, etc., liquors, etc., to inmates, etc.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person knowingly to sell, furnish or give, or cause to be sold, furnished or given to any inmate of the Michigan Soldiers' Home, except when on furlough and away from the city of Grand Rapids, any spirituous, malt, fermented or vinous liquors, except for medicinal purposes.

Penalty for violation of act.

SEC. 2. Any person who shall violate any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, together with the costs of prosecution, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

Approved June 17, 1887.

[No. 190.]

AN ACT to provide for the incorporation of the Michigan Business Men's Association and auxiliary associations.

Incorporation authorized.

SECTION 1. *The People of the State of Michigan enact*, That the Michigan Business Men's Association and the local associations auxiliary thereto may be incorporated in pursuance with the provisions of this act.

Five or more persons may execute articles of association.

SEC. 2. Any five or more persons, residents of this State, being members of the Michigan Business Men's Association of the State of Michigan, desirous to become incorporated, may make and execute articles of association under their hands and seal, which said articles of association shall be acknowledged before some

officer of the State having authority to take acknowledgment of deeds, and shall set forth:

First, The names of persons associating in the first instance and their place of residence; What articles to set forth.

Second, The corporate name by which such association shall be known in the law and the place of its business office;

Third, The object and purpose of such association, which shall be to secure the coöperation of merchants and other classes of business men, promote the social, moral and business interests of its members, and the period for which it is incorporated, not exceeding thirty years.

SEC. 3. A copy of said articles of association shall be recorded with the Secretary of the State, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association. Said corporation shall have full power and authority to make and establish a constitution, by-laws, rules and regulations not in conflict with the laws of this State, and to alter and amend the same. When to be a body corporate.

SEC. 4. A copy of the record of such articles of association, under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation. Copy of record as evidence, etc.

SEC. 5. Such corporation, when duly formed, shall have power to institute and charter auxiliary associations within this State, having similar aims and objects, providing that the constitution and by-laws adopted by such auxiliary associations shall not be repugnant to the laws of this State, and shall be approved by this corporation, with which copies of the said constitution and by-laws must be filed. Auxiliary associations.

SEC. 6. The [this] corporation shall from time to time make and establish such constitution, general laws and regulations for auxiliary associations as such corporation shall judge proper to secure uniformity and effectiveness. General laws, etc., for auxiliary associations.

SEC. 7. Any five or more persons, residents of this State, being members of any auxiliary association, having been duly chartered by the Michigan Business Men's Association, desirous to become incorporated, may make and execute articles of association under their hands and seals, specifying as provided in section two of this act, and file a copy of such articles with the clerk of the county in which such corporation may be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association. Auxiliary associations may incorporate, etc.

SEC. 8. This corporation or any auxiliary association thereto, may take and hold personal and real property so far as may be necessary for the proper purposes of such organization, not exceeding ten thousand dollars in amount, and may convey, dispose of and deal with the same as they may from time to time deter- Limitation of property, etc.

Capital stock.

mine by a two-thirds vote of the total membership voting therefor; and for such purpose such corporation or auxiliary associations may create a capital stock of not more than ten thousand dollars, to be divided into shares of not more than ten dollars each.

This act is ordered to take immediate effect.

Approved June 17, 1887.

[No. 191.]

AN ACT to amend section twenty (20) of chapter two hundred and forty-nine (249) of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine thousand two hundred and ninety-six (9296) of Howell's Annotated Statutes of Michigan, relative to offenses against chastity, morality, and decency.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty (20) of chapter two hundred and forty-nine (249) of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine thousand two hundred and ninety-six (9296) of Howell's Annotated Statutes of Michigan, relative to offenses against chastity, morality and decency, be and the same is hereby amended so as to read as follows:

Exciting disturbance a misdemeanor.

SEC. 20. If any person shall make or excite any disturbance or contention in any tavern, store or grocery, street, lane, alley or highway, or at any election, or other public meeting where citizens are peaceably and lawfully assembled, he shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace, or police justice, be punished by fine not exceeding twenty-five dollars, or imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment, in the discretion of the court or magistrate.

Penalty for.

Approved June 17, 1887.

[No. 192.]

AN ACT to amend act number two hundred and sixty of the public acts of eighteen hundred and eighty-one, approved June ten, eighteen hundred and eighty-one, being chapter fifty-two of Howell's Annotated Statutes, relative to the protection of children in certain cases, by adding thereto four new sections to stand as sections seven, eight, nine and ten of said act.

Chapter amended.

SECTION 1. *The People of the State of Michigan enact*, That act number two hundred and sixty of the public acts of eighteen hundred and eighty-one, being chapter fifty-two of Howell's Annotated Statutes of Michigan, relative to the protection of children in certain cases, be and the same is hereby amended by

adding four new sections thereto to stand as sections seven, eight, nine and ten of said act, and read as follows:

SEC. 7. That any person desiring to have a minor child apprenticed, bound out, indentured, given away, or otherwise disposed of to him or her by the persons or officers herein authorized to dispose of such child, by either of the methods stated, may apply in writing to the county agent of the State Board of Corrections and Charities, or to a superintendent of the poor of the county where the applicant resides, requesting him to examine and report in writing on the suitability of the home of said applicant for the child, and thereupon it shall be the duty of such agent or superintendent to make such examination and report; and in no case shall any such child be apprenticed, bound out, indentured, given away, or otherwise disposed of, to any such applicant unless such certificate shall show that the applicant is a person of good moral character, that he is able to support and educate the child, and that his or her home is a suitable one for the child. That such application and certificate shall be filed in the probate court of said county on the payment by said applicant to said agent or superintendent the sum of three dollars for his services under this act.

Person desiring to have child apprenticed, etc., to, must file certificate, etc.

Contents and filing of certificate.

SEC. 8. That on filing said application and certificate a contract in writing shall be entered into by and between said applicant and the person authorized to dispose of the child, in which the latter shall agree that said child may remain with said applicant until it is eighteen or twenty-one years of age, as may be agreed on by the contracting parties; that said applicant shall support said child, and treat him or her as a member of his family; that he will keep him or her in school at least four months in each year; that he will teach him or her some useful trade or occupation, and that should said agent or superintendent at any time deem the interest of the child requires it, he may, with the approval of the judge of probate of the proper county, cancel said contract, assume possession of the child, and re-indenture him or her in the manner herein provided.

Contract, contents of.

SEC. 9. It shall be unlawful for any person to indenture, apprentice, bind out, or otherwise dispose of any minor child to any person, except by the following methods:

Methods of apprenticing, etc.

First, Under this act by the parents residing in this State, and if either be dead or of legal incapacity, or has abandoned the child, then by the other, and in case there is no father or mother resident of this State of legal capacity who has not abandoned the child, then by a guardian of the child, resident of this State, duly appointed under the laws thereof;

Second, In accordance with act number one hundred and twenty-six of the session laws of eighteen hundred and eighty-three, being chapter two hundred and forty-one of Howell's Annotated Statutes;

Third, By the officers of State institutions authorized by law to place children in families by indenture or otherwise;

Fourth, By the officers of asylums for children incorporated

under the laws of this State and authorized to place children in families by indenture or otherwise;

Fifth, In accordance with chapter two hundred and forty-two of Howell's Annotated Statutes, and all acts amendatory thereof, entitled "Changing names of minors and others, adoption and change of names of minors." And in no case shall any child be indentured, apprenticed, bound out, adopted or otherwise disposed of by any of the methods named herein or under any law of this State except on the approval of the person taking the child and on indenture as provided in this act. Any person having the custody, care or control of any minor child who shall indenture, apprentice, bind out, give away, have adopted, or otherwise dispose of such child to any person, and any person who shall take such child indentured, apprenticed, bound out, given away, adopted, or otherwise disposed of to him or her except in the manner herein named shall be deemed guilty of a misdemeanor.

Penalty for violating this section.

What children this act to apply to.

Acts repealed.

SEC. 10. This act shall apply to all children brought into this State from other States by or for societies taking care of destitute, abandoned or orphan children, which children would be a State, county or town charge except as taken by indenture or given to persons to adopt or take charge of in this State. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 193.]

AN ACT to protect children and prevent them from being educated in immorality and crime.

Certain children apprenticed, etc., may be taken from custody of person apprenticed to, etc.; when.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That if any child under fourteen years of age shall be bound out, apprenticed, or given away by its parents, or either of them, and it shall be discovered that the person to whom such child is bound out, apprenticed, or given, shall be the proprietor, keeper or manager of a house of prostitution, saloon or other place where intoxicating liquors or wine is sold, given away, or furnished as a beverage, or if such person shall become of such immoral habits and modes of life, or if such person shall, as regards such child, violate the provisions of sections one, two or five of act number two hundred and sixty of the session laws of eighteen hundred and eighty-one, or the acts amendatory thereof, or if such person shall by his or her care and education of such child be teaching such child to lead an immoral or criminal life, in every such case such child shall be removed from the care and custody of such person and placed in the custody of its mother, if a suitable person, or in some State institution, or put into the custody of some other person, as in this act prescribed: *Provided*, That the provisions of

this section shall not be applicable to the proprietor or keeper of any hotel, nor shall they apply to the proprietor or keeper of any saloon or restaurant whose residence is in a building other than that in which their business is carried on.

SEC. 2. If complaint shall be made to the judge of probate of the proper county of any of the facts aforesaid, the judge of probate shall, by writ issued under his hand, summon and have brought before him such child and the person having the custody of such child, and investigate such facts, and if satisfied that the complaint is true, and that the welfare of such child requires that it should be placed under other care, such judge shall make an order for the removal of such child to his or her home, or to another home, and shall declare all contracts and arrangements made with the person having the custody of the child when the complaint was made, at an end, and shall bind out, indenture, or give for adoption such child to some suitable person or place such child in the State Public School, or may return the same to its parents, as the judge of probate shall determine.

Proceedings under provisions of this act.

Order for removal of child.

SEC. 3. The institution to which such child shall be committed shall receive such child, and care for and dispose of the same as with other children committed to or taken charge of by the said institution.

How child to be received at public institution.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 194.]

AN ACT to make an appropriation for the erection of an addition to the Normal School building, and for providing the necessary heating apparatus, furniture and fixtures therefor.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated out of the State treasury the sum of fifty-one thousand four hundred and fifty dollars for erecting an addition to the Normal School building at Ypsilanti; four thousand three hundred and seventy-five dollars for putting the heating apparatus and fixtures therein, and four thousand one hundred and seventy-five dollars for seating and furnishing the same, aggregating the sum of sixty thousand dollars, to be paid as follows: Thirty thousand dollars during the year one thousand eight hundred and eighty-seven, and thirty thousand dollars during the year one thousand eight hundred and eighty-eight.

Appropriation and purposes of.

SEC. 2. There shall be assessed upon the taxable property of the State in the year one thousand eight hundred and eighty-seven the sum of thirty thousand dollars, and in the year one thousand eight hundred and eighty-eight the sum of thirty thousand dollars, to be assessed, levied and collected in like manner as other taxes are assessed, levied and collected, which tax, when collected, shall be credited to the general fund to reim-

Tax for appropriation.

burse the same for the sums to be drawn therefrom as provided in this act.

Sums to be expended under the direction of the State Board of Education.

SEC. 3. The sums provided for in this act shall be expended under the direction of the State Board of Education, and shall be drawn from the treasury upon presentation of the proper requisition of said board to the Auditor General, and on his warrant to the State Treasurer.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 195.]

AN ACT to provide for the furnishing to the probate court of each organized county in this State with a full set of the reports of the supreme court of the State of Michigan.

Secretary of State to furnish probate courts with supreme court reports.

SECTION 1. *The People of the State of Michigan enact*, That the Secretary of State is hereby authorized and directed to procure and furnish, as hereinafter provided, to the probate court of each organized county in this State not already supplied, a complete set of the reports of the supreme court of the State of Michigan, including all annotated reports of the present edition, or so many of said reports as may be necessary to complete a full set for the probate court of each organized county in this State: *Provided*, That the price to be paid for the reports of Harrington, Walker and Douglas, and volumes one to twenty-two, inclusive, of the Michigan reports, shall not exceed the sum of three dollars per volume: *Provided, further*, That each of said volumes shall be printed and bound in as good and substantial a manner as the present edition of said reports.

Proviso as to cost.

Further proviso as to quality.

Time of distribution.

SEC. 2. The Secretary of State is hereby authorized and directed to distribute to the probate courts herein named such of said reports as are now owned by the State and available for the purpose of this act, and to procure and distribute within ninety days after the passage of this act so many of said reports mentioned in section one of this act as can be procured within that time.

Appropriation for purchase of reports.

SEC. 3. The sum of seven thousand five hundred dollars, or so much thereof as may be necessary for the purchase of said reports not owned by the State, is hereby appropriated for the carrying out of the provisions of this act, the same to be paid the publisher or publishers of said reports on the warrant of the Auditor General out of any moneys in the State treasury not otherwise appropriated, the account thereof to be first certified to by the said Secretary of State.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 196.]

AN ACT to amend section ten of act one hundred and thirty-four of the public acts of eighteen hundred and eighty-five, entitled "An act to regulate the practice of pharmacy in the State of Michigan."

SECTION 1. *The People of the State of Michigan enact, That* section ten of act one hundred and thirty-four of the public acts of eighteen hundred and eighty-five, entitled "An act to regulate the practice of pharmacy in the State of Michigan," be and the same is hereby amended so as to read as follows :

Section amended.

SEC. 10. Nothing in this act shall apply to, or in any manner interfere with, the business of any practicing physician who does not keep open shop for retailing, dispensing or compounding of medicine and poison, or prevent him from supplying to his patients such articles as may seem to him proper, nor with the vending of patent or proprietary medicines by any retail dealer, who has been in such business three years or more, nor with the selling by any person of drugs, medicines, chemicals, essential oils and tinctures which are put up in bottles, boxes, packages, bearing labels securely affixed, which labels shall bear the name of the pharmacist or druggist putting up the same, the dose that may be administered to persons, three months, six months, one year, three years, five years, ten years, fifteen years and twenty-one years of age, and if a poison, the name or names of the most common antidotes; of copperas, borax, blue vitriol, salt-peter, pepper, sulphur, brimstone, paris green, liquorice, sage, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauher salts, epsom salts, cream tartar, bi-carbonate of soda, sugar of lead and such acids as are used in coloring and tanning, nor with the selling of paregoric, essence of peppermint, essence of ginger, essence of cinnamon, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, number six, sweet spirits of nitre, laudanum, quinine, and all other preparations of cinchona bark, tincture of aconite, and tincture of iron, compound cathartic pills, or quinine pills, nor with the exclusively wholesale business of any dealer: *Provided*, That every person who shall within three months after this act takes effect forward to the board of pharmacy, satisfactory proof, supported by his affidavit, that he was engaged in the business of a dispensing pharmacist on his own account in this State, in the preparation of physicians' prescriptions, three years next previous to the second day of June, eighteen hundred and eighty-five, or that at such time he had been employed or engaged three years or more as a pharmacist in the compounding of physicians' prescriptions, and was at said time so employed in this State, shall, upon the payment to the board of a fee of two dollars, be granted the certificate of a registered pharmacist: *And provided further*, That the said board may grant, at a fee not exceeding one dollar, to such persons not less than sixteen years of age, who shall pass a satis-

Not to apply to business of physicians not keeping open store, etc.

Proviso as to registry of druggist.

Further proviso as to "assistant."

factory examination touching their competency, before the board of pharmacy, the certificate of registered "assistant," but such certificate shall not entitle the holder to engage in business on his own account, or to take charge of or act as manager of a pharmacy or drug store.

Approved June 18, 1887.

[No. 197.]

AN ACT to regulate the manufacture and sale of malt, brewed or fermented, spirituous and vinous liquors in the several counties in this State.

Special election,
how called,
when and
where held.

Proviso as to
time of holding.

Notice of
question to be
submitted,
manner of
giving.

Form of
ballots.

SECTION 1. *The People of the State of Michigan enact*, That the manufacture and sale of malt, brewed or fermented, spirituous and vinous liquors in the several counties in this State, be and the same is hereby regulated as follows: That upon application by petition, signed by not less than one-fifth of the voters of any county, as shown by the last preceding vote on Governor, who are qualified to vote for county officers in any county in this State, the county clerk of such county shall call an election to be held at the places of holding elections for State and county officers, to take place within forty days after the receipt of such petition by said county clerk, to determine whether or not intoxicating liquors, as mentioned in section two of this act, shall be manufactured or sold within the limits of such designated county: *Provided*, That no election held under this act shall be held in any month in which an election for State, county, city, village or township officers is held; and such question having been once submitted and decided by the votes of the electors shall not be again submitted for a period of three years, but shall, at any time after the expiration of the said three years, upon like petition, be again submitted. Notice that such a question is to be submitted shall be given by the county clerk for the same time and in the same manner as is provided by law for giving notice of special elections for county officers. The vote shall be by ballot, and the ballots shall be deposited in ballot-boxes furnished for the purpose, and separate poll-lists and tally-sheets shall be kept. The county clerk shall provide poll-lists, tally-sheets, and a sufficient number of tickets for such election, at each polling place, at the expense of the county. All the electors voting at any such election that the manufacture and sale of intoxicating liquors for use as a beverage shall be prohibited, shall have printed or written, or partly printed or partly written on their ballots the words "Against the manufacture and sale of intoxicating liquors," and all the electors voting at any such election that such manufacture and sale shall not be prohibited, shall have printed or written, or partly printed or partly written, on their ballots the words "For the manufacture and sale of intoxicating liquors." The inspectors of elections, as provided by

law, shall act, and shall have authority to appoint assistants, if any shall be necessary. The ballots shall be cast and counted, and the returns of the same shall be made from each voting precinct to the clerk of the county in which such election is held in the manner prescribed by law for the election of county officers. The clerk of said county shall enter in a book to be provided by him for that purpose a tabular statement of the number of votes cast for and against such proposition in each voting precinct in said county, as shown by said returns, together with the aggregate number of votes cast for and against such sale in the elective county. Said statement so recorded shall be a public record of the county, and shall be *prima facie* evidence of the truth of the matters therein stated.

Inspectors of elections, conduct of and canvass.

SEC. 2. That from and after the first Monday in May next after such special election, it is hereby declared unlawful to manufacture, sell, give away, or furnish malt, brewed, fermented, vinous or intoxicating liquors of any kind, or in any quantity, or liquors, any part of which is malt, brewed, fermented, vinous or intoxicating, or to keep for sale, or keep a place where such liquors are manufactured, or kept for sale, given away, or furnished, within the limits of any county in which a majority of the votes cast at the election next preceding, upon the question of prohibiting the sale of intoxicating liquors, as provided in section one of this act, have been cast against the manufacture and sale of intoxicating liquors; except where done by a druggist who is or who employs a registered pharmacist strictly in compliance with the laws for the regulation of druggists. And whoever, within such limits, himself, or by an agent, or otherwise, thus manufactures, sells, furnishes or gives away any such liquors, or keeps for sale, or keeps a place where such liquors are manufactured or kept for sale, given away or furnished, upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten days nor more than six months, or both, in the discretion of the court.

Time of taking effect if majority of votes are "against the manufacture and sale of intoxicating liquors."

Penalty for violating this act.

SEC. 3. In any county in this State in which the electors of such county, as hereinbefore provided, have voted to prohibit the manufacture and sale of such liquors by a majority vote, then in such case the provisions of the general laws of this State for the taxation and regulation of the business of the sale, manufacture or dealing in such liquors is suspended, or superseded, from and after the first day of May next following, so far as relates to the territory of such county, and all sales made by druggists in such county shall be under all the restrictions imposed upon druggists by said general laws of this State.

Where and when provisions of general law, relative to manufacture and sale of liquors, suspended except as to druggists.

Approved June 18, 1887.

[No. 198.]

AN ACT to organize corporations for the purpose of carrying on the business of buying, selling and breeding cattle, sheep and horses, and also the power to acquire and hold title to lands necessary for the carrying on of such business.

Corporations
authorized.

SECTION 1. *The People of the State of Michigan enact, That any three or more persons, residents of this State, may associate themselves together as a body corporate, for the purpose of carrying on the business of buying, selling, and breeding cattle, sheep and horses, and also the power to acquire and hold title to lands necessary for the carrying on of such business.*

Certificate,
what to specify.

SEC. 2. Such persons shall, under their hands and seals, make and subscribe to a certificate, which shall specify:

First, The name and business of said association;

Second, The amount of the capital stock thereof, and the amount of cash capital actually paid in;

Third, The number of shares into which said capital stock shall be divided, and it is hereby provided that such shares shall not be less than twenty-five dollars each;

Fourth, The names of the stockholders, their respective residences, and the number of shares held by each person;

Fifth, The amount of all property, real and personal, that may be held by such corporation;

Sixth, The term of the existence of said corporation not to exceed thirty years. Which certificate shall be verified by the affidavits of the persons subscribing the same, and be acknowledged before some officer authorized to take the acknowledgment of deeds, and shall be recorded in the office of the Secretary of State and in the office of the clerk of the county in which such corporation is located.

Shall be a
body corporate,
etc.

SEC. 3. Upon compliance by such persons with the provisions of the preceding section, such association shall be and is hereby declared a body corporate, empowered to hold and possess so much real and personal estate as may be purchased by it, or may be given, granted or devised to it as a corporation, in accordance with the provisions of law at the time such gift, grant or devise shall take effect, as may be necessary for the use and occupation of said corporation for the purposes of its business, not to exceed in value one million dollars, and to sell and convey the same at pleasure: *Provided, That all the property of such corporation shall be subject to taxation, and shall be used for no other purpose than the legitimate business of said corporation, as herein-after stated: And provided further, That the entire amount of Michigan lands held by such corporation shall at no time during its continuance exceed in value the sum of fifty thousand dollars.*

Limitation of
property.

Proviso.

Further
proviso.

First meeting.

SEC. 4. When any corporation shall be formed under this act, any three of those associated may call the first meeting of the corporation at such time and place as they may appoint by giving notice thereof, by publishing the same two or more times in some newspaper printed in the county in which the place of business of

said corporation is located, at least fifteen days before the time appointed for such meeting; at which meeting, or at any adjourned meeting thereof, the stockholders of said corporation may elect such officers of said corporation as they shall deem necessary for the proper management of the property and business of said corporation, and may also make all necessary by-laws and regulations for the proper management of their affairs: *Provided*, That said by-laws and regulations shall be in conformity with the provisions of chapter one hundred and ninety-one of Howell's Annotated Statutes of Michigan and all acts supplemental or amendatory thereto.

Election of officers, etc.

Proviso.

SEC. 5. All corporations formed under this act shall be subject to the general provisions of chapter one hundred and ninety-one of Howell's Annotated Statutes of Michigan and all acts supplemental or amendatory thereto.

Corporations subject to provisions of general law.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 199.]

AN ACT to prevent gambling in stocks, bonds, petroleum, cotton, grain, provisions and other produce.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any corporation, association, firm, copartnership or person to keep, or cause to be kept by any agent or employé, within this State, any office, store or other place, wherein is conducted or permitted the pretended buying or selling of the shares of stocks or bonds of any corporation, or petroleum, cotton, grain, provisions or other produce, either on margins or otherwise, without any intention of receiving and paying for the property so bought or of delivering the property so sold; or wherein is conducted or permitted the pretended buying or selling of such property on margins, when the party selling the same or offering to sell the same does not have the property on hand to deliver upon such sale; or when the party buying any of such property, or offering to buy the same, does not intend actually to receive the same if purchased or to deliver the same if sold; all such acts, and all purchases and sales, or contracts and agreements for the purchase and sale of any of the property aforesaid in manner aforesaid, and all offers to sell the same or to purchase the same in manner aforesaid, as well as all transactions in stocks, bonds, petroleum, cotton, grains and provisions in the manner as aforesaid, on margins for future or optional delivery, are hereby declared gambling and criminal acts, whether the person buying or selling, or offering to buy or sell, acts for himself or as an agent, employé or broker for any firm, copartnership, company, corporation, association or broker's office.

Unlawful to keep office wherein is conducted, etc., the pretended buying or selling of shares of stock, etc.

Certain acts, etc., declared gambling, etc.

SEC. 2. It shall be the duty of every commission merchant, firm, copartnership, association, corporation or broker doing bus-

Commission merchants, etc., to furnish on

demand, written statement, etc.

iness as such, to furnish upon demand, to any customer or principal for whom such commission merchant, broker, firm, copartnership, corporation or association has executed any order for the actual purchase or sale of any of the commodities hereinbefore mentioned, either for immediate or future delivery, a written statement containing the names of the parties from whom any such property was bought or to whom it shall have been sold, as the case may be, the time when, the place where and the price at which the same was either bought or sold; and in case such commission merchant, broker, firm, copartnership, corporation or association shall refuse promptly to furnish such statement upon reasonable demand, the fact of such refusal shall be *prima facie* evidence that such property was not sold or bought in a legitimate manner upon the open market.

Penalty for violation of act.

SEC. 3. Any person who shall knowingly permit any of the acts set forth in section one of this act in his building, house, or in any out-house, booth, arbor or erection of which he has the title, care or possession, shall be fined not to exceed the sum of one thousand dollars and costs of prosecution, and any penalty so adjudged shall be a lien upon the premises on or in which such unlawful acts are carried on or permitted, and any person whether acting for himself, or as a broker, agent or employé of any person, or as an officer, broker, agent or employé of any corporation, association, firm or copartnership, who shall be guilty of violating any of the provisions of section one of this act, shall, upon conviction thereof, be fined in a sum not less than one hundred dollars nor more than five hundred dollars and costs of prosecution; and if such person shall be guilty of a second offense under section one of this act, in addition to the penalty above prescribed, he shall, upon conviction thereof, be imprisoned in the county jail for the period of six months.

Penalty for second offense.

Approved June 18, 1887.

[No. 200.]

AN ACT to provide for the improvement and maintenance of highways, and the repairing and preservation of bridges within the State, and to repeal act number fifty-seven, of the public acts of eighteen hundred and eighty-five, and all acts inconsistent with this act.

Commissioner to render account to township board, contents of.

SECTION 1. *The People of the State of Michigan enact, That the commissioner of highways of each township shall render to the township board at the annual meeting thereof in each year an account in writing stating:*

First, The highway labor assessed and performed in his township within the year;

Second, The amount paid for delinquencies and commutations, and other moneys received by him, and the application thereof;

Third, The improvements which have been made on the

roads and bridges in his township during the year preceding such report, and the condition of such roads and bridges;

Fourth, An estimate of the amount of highway labor which, in his judgment, should be assessed upon the taxable property of the township for the next ensuing year, not exceeding one-half day's labor upon each one hundred dollars of valuation for the year;

Fifth, The improvements necessary to be made in the highways and bridges during the year, and the amount of money tax that should be levied for that purpose beyond what such estimated highway labor will accomplish, not exceeding fifty cents upon each one hundred dollars of valuation, according to the assessment-roll for the last preceding year, or in townships whose aggregate valuation is less than fifty thousand dollars, a gross sum not exceeding two hundred and fifty dollars;

SEC. 2. The township board shall cause such statement to be presented at the then next annual township meeting, and such meeting, immediately after the election of overseers of highways, may determine, by a majority of the electors present and voting:

Statement to be presented at next township meeting.

First, Upon the amount of highway labor to be assessed, which shall be within the limit named in the fourth subdivision of the last preceding section;

Amounts to be determined by electors.

Second, Upon the amount of money tax to be assessed, within the limit prescribed by the fifth subdivision of the last preceding section, and the sum so voted shall be levied and collected in the same manner as other township expenses: *Provided*, That if the statement required by this and the last preceding section be not presented to the annual township meeting, such meeting may vote on the amount of highway labor and money tax to be assessed, within the limits contemplated by said sections, and action thereon shall be as valid for all purposes as if such statement had been presented.

Proviso.

SEC. 3. In case the electors present at any annual township meeting shall neglect or refuse to vote any rate of highway labor to be assessed, as by the first subdivision of the last preceding section provided, the commissioner, in making his assessment, may assess not exceeding one-half day's labor upon each one hundred dollars of valuation; and in case such electors shall neglect or refuse to vote a money tax, as by the second subdivision of the preceding section provided, the township board may order to be levied such sum, within the limit herein above provided, as they may deem necessary for the improvement of roads and bridges.

Proceedings in case electors neglect to vote rate, etc.

SEC. 4. The names of persons left out of any such list, and who ought to have been included therein, and of new inhabitants who have not, in the same year, been assessed in some other place for highway labor, shall be, from time to time, added to the several lists, and rated by the overseers in proportion to their taxable real and personal property, as other persons are rated on such lists, by the commissioner, subject to an appeal to the commissioner.

Names of persons left out of list, etc., shall be added.

SEC. 5. All highway labor and all money tax assessed and collected within any township for highway purposes shall be expended.

Tax collected, etc., where expended.

pended within the limits of the townships on which the same may be assessed.

Statement of
commissioner.

SEC. 6. The commissioner shall render to the township board, at their annual meeting, a statement showing:

Contents of.

First, The improvements which have been made on the roads and bridges in the township during the year preceding such report, and the condition of such roads and bridges;

Second, A summary statement of the cost of such improvements, the amount of outstanding liabilities, if any, and the amount of the highway fund, if any, over and above such liabilities;

Third, The improvements necessary to be made during the year, and the amount of tax that should be levied for that purpose, and when special improvements are designed, they shall be specified, with an estimate of their cost. The township board shall cause such statement to be presented at the then next annual meeting, at the time of voting upon the amount of tax to be raised, but a failure to render such statement, or to present the same to the township meeting, shall not affect the right of the electors of the township to vote a highway tax, or of the township board to fix and determine the same, as provided in section three of chapter four of act two hundred and forty-three of the public acts of eighteen hundred and eighty-one.

Commissioner
may draw war-
rants on treas-
urer, for what
purpose.

SEC. 7. The commissioner may draw warrants on the township treasurer in his own favor, to be countersigned by the clerk or supervisor, for sums not exceeding one hundred dollars, at any one time, and may make disbursements from the amounts so drawn in payment for employed labor, materials, and incidental expenses, and his vouchers therefor shall be filed with the township clerk before any further similar drafts shall be made, and his accounts shall be audited by the township board at such times as they may meet for that purpose. He may also draw warrants on the treasurer in payments on contracts as he is authorized to do by the next following section of this act.

May draw
orders, etc., for
payment for
labor, etc.

SEC. 8. The commissioner shall draw orders upon the township treasurer in payment for labor, contracts, or materials furnished, and no money applicable to such purposes shall be paid by such treasurer except upon such order, signed by the commissioner and countersigned by the clerk or supervisor, and accompanied by his certificate that the labor has been actually performed, or the contract fulfilled, or materials furnished, for which the amount of such order is to apply in payment; but no commissioner shall draw any order in excess of the funds in the treasury to pay the same, or that may have been voted for the purpose, or make any contract, or issue any evidence of indebtedness, or do any other act implying any obligation upon his township, except as authorized by law; nor shall any clerk or supervisor countersign any order issued by the commissioner unless there shall be funds in the treasury to pay the same. Any willful violation of the provisions of this section shall subject the offender to a penalty of one hundred dollars.

Penalty for
violating act.

SEC. 9. Act fifty-seven (57) of the public acts of eighteen hundred and eighty-five, and all other acts inconsistent with this act, are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 201.]

AN ACT to amend section ten of chapter two of an act entitled "An act for the re-organization of the military forces of the State of Michigan," as amended, being section eight hundred and seventy-seven of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section ten of chapter two of an act entitled "An act for the re-organization of the military forces of the State of Michigan," as amended, being compiler's section eight hundred and seventy-seven of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 10. There shall be one major-general, with three aides-de-camp for each division organized by the commander-in-chief, and one brigadier-general, with two aides-de-camp, one surgeon with rank of lieutenant-colonel, and one hospital steward for each brigade so organized. The term of office of said major-general and said brigadier-general shall be two years from the date of his commission, provided that the term of office of the present brigadier-general shall continue until the first day of January, A. D. eighteen hundred and eighty-nine. The military staff of each of said general officers, in addition to those named above, shall consist of one assistant adjutant-general, one assistant inspector-general and one assistant quartermaster-general, each with the rank of lieutenant-colonel, to be commissioned on the recommendation of said general officers respectively. Division and brigade officers.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 202.]

AN ACT to authorize the formation of corporations for the purpose of damming, excavating, constructing and maintaining water courses with water power appurtenant thereto, for accumulating, storing, conducting, selling, furnishing and supplying upon an agreed rental, water and water power for mining, milling, manufacturing, domestic, municipal and agricultural purposes and for purposes of navigation.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, may form themselves into a corporation for the purpose of damming any stream, and of ex- Five or more persons may form a corporation.

Purposes of. excavating and constructing, maintaining, repairing and improving any canal already existing, or which they may wish to excavate and construct, with water power appurtenant thereto, and may own, lease, use and control the same for the purpose of accumulating, storing, conducting, selling, furnishing and supplying upon an agreed rental, water and water power for mining, milling, manufacturing, domestic, municipal and agricultural purposes and for purposes of navigation, and may acquire, hold, lease and convey lands or water power as may be necessary or convenient for the purposes above specified by complying with the following requirements.

May hold lands, etc. **Certificate, what to specify.** SEC. 2. Such persons, under their hands and seals, shall make a certificate which shall specify:

First, The name of the corporation;

Second, A statement of the amount of capital stock of such company, and the number of shares into which the capital stock shall be divided;

Third, The county and townships within this State in which such canal is to be excavated and constructed, and the operations of said company carried on;

Fourth, The business and object of said company in general terms;

Fifth, The names and places of residence of the stockholders, and the number of shares held by each of them respectively;

Sixth, The names of the first directors, being not more than seven, and not less than five;

Seventh, The place in this State where their office for the transaction of business is located;

Eighth, The term of existence of such corporation, which certificate shall be acknowledged as deeds are required to be acknowledged, and recorded in the office of the clerk of the county in which the office of said company for the transaction of business is located, and a copy thereof filed in the office of the Secretary of State.

When to be a body corporate. SEC. 3. Upon complying with the provisions of the last preceding section such company shall be a body corporate by the name designated in said certificate, and shall be subject to and governed by all the general provisions relating to corporations embraced in chapter one hundred and thirty of the compiled laws of the State of Michigan, now in force, so far as the same shall be applicable thereto.

Business, etc., how managed. SEC. 4. The business and property of such company shall be managed and directed by a board of not less than five nor more than seven directors, who shall be elected annually, and at such time and place as said by-laws may direct. No person shall be a director unless he is a stockholder in the corporation.

Election of directors may be held at other than time specified. SEC. 5. In case it shall happen that an election for directors shall not be held as provided, the said corporation shall not be for that reason dissolved, but such election shall be held on some future day to be fixed by the directors holding over, upon giving the notice therefor as in this act provided.

SEC. 6. A majority of the directors shall be a board for the Quorum. transaction of business, and the acts of a majority of the board shall bind the corporation.

SEC. 7. The directors of any such company may at any time receive subscriptions to stock in said company until the whole Capital stock, subscriptions for, increase of, etc. amount mentioned in their articles of association shall be subscribed, and whenever, in the judgment of the directors, it shall be necessary to increase the capital stock of any such company for the extension or more perfect completion of such proposed work, or to provide lands and buildings needful for its use, it shall be competent for such directors, with the approval or ratification of the holders of a majority of the capital stock, at any lawful meeting of the stockholders, to provide for such increase, and in all cases where such capital stock is increased, a certificate thereof shall be signed, certified and filed as hereinbefore required in the case of original articles of association.

SEC. 8. The directors may call in subscriptions to the capital Subscriptions for capital stock, how called in, etc. stock of such corporation by installments, in such portions, and at such times and places as they shall think proper, by giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment for the space of sixty days after the same shall become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholder may be sold by the directors, at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice in some newspaper published in the county: *Provided*, That if said stockholder shall reside in this State, the Provide. stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days' notice thereof in some newspaper published in the county. If no newspaper be published in the county in which such corporation transacts their business, then it shall be published in the newspaper in the city of Detroit which shall have at the time the largest circulation; and the proceeds of such sale shall be at first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

SEC. 9. Every such corporation, organized as hereinbefore Powers and liabilities of corporation. prescribed, shall have the following powers and be subject to the liabilities and restrictions following, that is to say:

First, To cause such examinations and surveys for the pro- Surveys, etc. posed improvements, whether dam-locks, canals, or digging or deepening of channels to be made as may be necessary to prepare for the work to be done;

Second, To purchase and by voluntary grants and donations Lands, etc. to receive, enter upon, take, hold and use all such lands and real estate and other property as may be necessary for the construction and maintenance of the work proposed in the approved plans of such company;

Third, To divert into any canal excavated or constructed under

Waters from
Paw Paw lake
or river.

the provisions of this act, waters from Lake Paw Paw or Paw Paw river or any tributary stream in Berrien county, State of Michigan, to flood lands belonging to said company, or subject to condemnation proceedings as provided by law, by constructing the necessary dams in said canal, or in creeks or other water courses, subject to the consent of the board of supervisors of the proper county in which said waters so diverted or dammed are situated;

Acquisition
of lands.

Fourth, The acquisition of lands shall be under the same rules and forms, as near as practicable, as are provided in cases for the acquisition of lands for right of way of railway lines when the railway company is unable to agree with the owners or legal representatives for the purchase of any real estate:

Bonds.

Fifth, To issue its construction bonds to an amount not exceeding fifty per centum of its capital stock, bearing a rate of interest not above seven per cent, and payable at any such time as the board of directors may determine, on approval of a majority in interest of the stockholders voting at any regular or called meeting of their body;

Condemning
lands.

Sixth, That in any case where the company is unable to agree with the owners of land needed for or in the work of constructing a navigable waterway, as herein provided, or cannot agree with any highway commissioner, or other authority, as to the crossing or changing of roads, streets, or streams, then and in all such cases the same laws providing for the incorporation of railroad companies, and providing for the condemnation of lands to the public use in certain cases, shall govern and be the rule of action or procedure so far as practicable; and any company undertaking to construct a navigable waterway, with or without water power appurtenant thereto, and intending to do a transportation business upon such waterway, shall have the same rights and privileges for procuring right of way, needed lands, or real estate of any kind, or of crossing streams and highways, as the laws of Michigan allow railroad companies.

May erect
railroads, etc.

SEC. 10. Said corporation may, in the exercise of its discretion, erect along the line of its canal or over different portions of its property, such railroads as may be necessary for connecting manufacturing establishments situated upon or connected with their premises, or enjoying water privileges from them with any line of railroad or any harbor near them, and such telegraph lines or telephonic lines as may be reasonably necessary or convenient in connection therewith. Said corporation may purchase and hold such tracts of land along the line of its canal and water courses as may reasonably be necessary or convenient for the conveying of water, storing it, and dispensing and dividing it among those who wish to purchase or lease it for any of the purposes mentioned in this act, or for the purpose of erecting manufactories or mills upon.

May furnish
water, to
whom.

SEC. 11. Such company may furnish water to other persons or companies for mining, manufacturing, milling, domestic, municipal, or agricultural purposes, on such rent as shall be agreed upon by and between it and those desiring to obtain it, or it may

use the same for such purposes itself in any class of manufacturing purposes. It is authorized to bring suit to enforce the payment of such rent in any proper court of the county where its principal office is located.

SEC. 12. If any person shall willfully obstruct any stream or waters improved under the provisions of this act, or any part thereof, or shall willfully destroy or injure any buildings, piers, dams, fixtures, banks, or other constructions in use upon the same, belonging to said company, such person or persons so offending shall, for every offense, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year, in the discretion of the court.

Penalty for obstructing, etc., company's works, etc.

SEC. 13. On or before the first Monday in July in each year it shall be the duty of the directors of every company formed under this act to report to the Secretary of State, under the oath of the secretary and at least two of the directors, the length of the stream or waters so constructed or improved, the cost of such improvements, the amount of money expended, the amount of their capital, how much of the same is paid in, and how much is expended, the whole amount of tolls or earnings expended on such improvements, the amount of money received during the previous year for tolls, and from all other sources, stating each separately, the amount set apart for repairs, the amount of dividends made, and the amount of indebtedness of such company, specifying the object for which such indebtedness accrued.

Annual report to Secretary of State, contents of.

SEC. 14. Each and every company formed under this act shall have authority to purchase and hold land adjacent to or within convenient distance of any canal constructed under the provisions of this act, for the purpose of platting and selling to manufacturers, their operatives or to other persons, and shall have authority to lease, mortgage, or otherwise dispose of real or personal property: *Provided*, That no land shall be held by said company for the purposes stated in this section for a longer period than ten years from the time when the same shall have been acquired, nor exceeding in amount two thousand acres.

May hold lands.

Proviso as to time of holding.

SEC. 15. The stockholders of every company organized in pursuance of this act shall be jointly and severally personally liable for the payment of all debts and demands against such association which shall be contracted, or which shall be or shall become due during the time of their holding such stocks, for any labor or services done or performed for such company, but no stockholder shall be proceeded against for the collection of any debt or demand against such company until execution or [on] judgment for such labor and services shall have been returned unsatisfied, or unless such association shall be dissolved.

Liability of stockholders.

SEC. 16. The shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company.

Shares to be personal property.

SEC. 17. Service of any legal process against any such corpora-

Service of
legal process
against corpora-
tion.

tion may be made on the president, treasurer, or upon any of the directors of such company.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 203.]

AN ACT to amend section eight of chapter thirty-three, being consecutive section one thousand four hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one, as amended by act number eighty-six of the public acts of eighteen hundred and seventy-five, approved April sixteen, eighteen hundred and seventy-five, the same being compiler's section one thousand five hundred and one of Howell's Annotated Statutes, relative to "manufacture and inspection of salt."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section eight of chapter thirty-three, being consecutive section one thousand four hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one, as amended by act number eighty-six of the public acts of eighteen hundred and seventy-five, approved April sixteen, eighteen hundred and seventy-five, the same being compiler's section one thousand five hundred and one of Howell's Annotated Statutes, relative to the "manufacture and inspection of salt," be and the same is hereby amended so as to read as follows:

Where in-
spector to keep
principal office,
etc.

Report of
deputies, etc.

SEC. 8. The inspector shall keep a principal office in a county producing two hundred and fifty thousand barrels or more of salt per annum, and the deputy for the district in which such office is located may occupy the same office. The office shall be open at all times during business hours. All the books, records and accounts shall be kept in the office, and each deputy shall at least once in each month make a written report by mail or otherwise to the inspector of salt inspected by him during the month, stating for whom, and the quality and quantity thereof. Abstracts of these reports shall be entered in books for that purpose. Said inspector shall, in proper books, keep a full record and account of all his transactions, and such books shall also be open for the examination of all persons wishing to examine the same during office hours.

Approved June 21, 1887.

[No. 204.]

AN ACT making an appropriation for the maintenance and support of the mining school at Houghton, in the county of Houghton, Michigan, for the year A. D. eighteen hundred and eighty-eight.

SECTION 1. *The People of the State of Michigan enact*, That the sum of seventeen thousand five hundred dollars be and the same is hereby appropriated out of the general fund for the support and maintenance of the mining school at Houghton, in the county of Houghton, Michigan, for the year A. D. eighteen hundred and eighty-eight: *Provided*, That the board of control of said school is, in case there shall be a deficiency before the next legislature shall further provide for its maintenance, hereby authorized to draw from the general fund of the State treasury, not exceeding the sum of two thousand five hundred dollars, in the same manner that sums are drawn against the appropriations for the current expenses thereof as contemplated by this act, and the amounts so drawn shall be considered as an advance on any appropriation made by the legislature at its regular session for the year eighteen hundred and eighty-nine for the maintenance of the school, and shall be deducted therefrom and transferred to the general fund.

Appropriation.

Proviso as to drawing in advance of future appropriations.

SEC. 2. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-eight the sum of seventeen thousand five hundred dollars, to be assessed, levied, and collected as other State taxes are assessed, levied, and collected, which sum, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section one of this act.

Tax for appropriation.

This act is ordered to take immediate effect.

Approved June 21, 1887.

[No. 205.]

AN ACT to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five (5), may associate to establish offices of discount and deposit to be known as commercial banks, and also to establish offices of loan and deposit to be known as savings banks, or to establish banks having departments for both classes of business, upon the terms and conditions and subject to the liabilities prescribed in this act, but the aggregate amount of the capital stock of any such bank shall not be less than one hundred thousand dollars (\$100,000), except that banks with a capital of not less than twenty-five thousand dollars (\$25,000) may be organized in a city or village, the population of which does not exceed five thousand inhabitants, and with a capital of not less than fifty thousand dollars (\$50,000) in a city or village the population of which does not exceed twenty thousand (20,000) inhabitants. No bank shall take as security for any loan or discount a lien upon any part of its capital stock. The same security in kind and amount shall be required of stockhold-

Association for establishing banks, etc.

Capital stock.

Security required for loans, etc.

Bank not to hold capital stock, etc.

Proviso as to amount of capital stock.

Articles of incorporation, what to specify.

Acknowledgment of articles.

How executed and where filed, etc.

Corporate powers.

ers and of persons not stockholders. No bank shall be the holder or purchaser of any portion of its capital stock unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Stock so purchased shall in no case be held by the bank for a longer time than six months, if the stock can be sold for what it cost, and it must be sold for the best price obtainable within one year, or canceled as hereinafter provided for the reduction of capital stock: *Provided*, That the provisions of this act as to the amount of capital shall not apply to any bank now organized and doing business at the time of the passage of this act.

SEC. 2. The persons associating shall execute articles of incorporation, which shall specify:

First, The name assumed by such bank, which shall be, in no material respect, similar to the name of any other bank organized under the laws of this State;

Second, The county and city or village where such bank is to be located and to conduct its business;

Third, The nature of its business, whether that of a commercial bank, savings bank, or both;

Fourth, The amount of its capital stock, which shall be divided into shares of one hundred dollars each;

Fifth, The names and places of residence of the stockholders, and the number of shares held by each of them;

Sixth, The period for which the bank is organized, which shall not exceed thirty (30) years. Such articles of incorporation shall be acknowledged before any officer authorized by the laws of this State to take and certify acknowledgments.

SEC. 3. Such articles of incorporation shall be executed in triplicate, one of which shall be recorded in the office of the county clerk for the county in which the bank is located, one filed in the office of the Commissioner of the Banking Department, and one filed in the office of the Secretary of State. Such articles of incorporation, or copies thereof, duly certified by either of said officers, may be used as evidence in all courts for and against such bank.

SEC. 4. Upon making and filing the articles of incorporation required by this act the bank shall become a body corporate, and as such shall have power:

First, To adopt and use a corporate seal;

Second, To have succession for the period of years named in the articles of incorporation;

Third, To make contracts;

Fourth, To sue and be sued in any court of law or equity as fully as natural persons;

Fifth, To elect or appoint directors, who shall choose from their members a president and one or more vice-presidents, and shall have power to appoint and employ a cashier or treasurer, and other officers, define their duties, require bonds from such officers and clerks, dismiss such officers so elected or appointed, or any of them, at pleasure, and elect or appoint others to fill their places;

Sixth, To prescribe by its board of directors by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors and officers elected or appointed, its stockholders convened for special meetings, its property transferred, its general business conducted and the privileges granted to it by law exercised and enjoyed ;

Seventh, To exercise by its board of directors or duly authorized officers or agents, subject to law, all such powers as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debts, by receiving deposits, by buying and selling exchange, coin and bullion, and by loaning money on personal and real security as provided hereinafter; but no such bank shall take or receive more than the rate of interest allowed by law in advance on its loans and discounts: *Provided*, That this restriction shall not authorize any transaction for a less sum than fifty cents; and no bank shall transact any business except such as is incidental and necessarily preliminary to its organization until it has been authorized by the Commissioner of the Banking Department to commence the business of banking.

SEC. 5. At least fifty per cent of the capital stock of every bank shall be paid in before it shall be authorized to commence business, and the remainder of the capital of such bank shall be paid in in monthly installments of at least ten per cent on the whole of the capital, payable at the end of each succeeding month from the time it shall be authorized by the Commissioner of the Banking Department to commence business, and the payment of each installment shall be certified to the Commissioner, under oath, by the president, cashier or treasurer of the bank.

One half capital stock to be paid in before commencing business; balance, how paid.

SEC. 6. Whenever any stockholder or his assignee fails to pay any installment on the stock when the same is required by the preceding section to be paid, the directors of such bank may sell the stock of such delinquent stockholder at public sale, as they shall deem best, having first given the delinquent stockholder twenty days' notice, personally or by mail at his last known address. If no bidder can be found who will pay for such stock the amount due thereon to the bank, with any cost incurred, the amount previously paid shall be forfeited to the bank, and such stock shall be sold, as the directors may order, within six months from the time of such forfeiture, and if not sold it shall be cancelled and deducted from the capital of the bank. If sold before cancellation, any surplus over the amount due on said stock to said bank, including all costs incurred thereon, with interest for the time delinquent, shall be returned to the original stockholder, his heirs or assigns. If such cancellation shall reduce the capital of the bank below the minimum required by law, the said capital shall, within thirty (30) days from the date of such cancellation, be increased to the required amount by additional subscriptions, in default of which a receiver may be applied for by the Commissioner of the Banking Department, with the advice and consent of the Attorney General, to close up the business of the bank.

Collection of delinquent installments on stock.

In case of sale, disposition of surplus.

Proceedings in case cancellation reduces stock below minimum.

Examination of
condition of
bank by Com-
missioner.

SEC. 7. Whenever articles of incorporation are filed with the Commissioner of the Banking Department, as provided in this act, and the bank transmitting the same notifies the Commissioner that at least fifty per cent of its capital has been duly paid in, and that such bank has complied with all the provisions of this act required before the bank shall be authorized to commence business, the Commissioner shall examine into the condition of such bank, ascertain the amount of money paid in on account of its capital, the name and place of residence of each of its directors, and the amount of capital stock of which each is the owner in good faith, and whether such bank has complied with all the other provisions of this act required to entitle it to engage in the business of banking. If upon such examination it appears that such bank is lawfully entitled to commence business, the Commissioner shall, within thirty (30) days after receiving notice that fifty per cent of its capital has been paid in, give to such bank a certificate under his hand and official seal that such bank has complied with all the provisions required before commencing business, and that such bank is authorized to commence business; but the Commissioner, with the advice and consent of the Attorney General, may withhold such certificate whenever he has reason to believe that the stockholders have formed the same for any other than the legitimate business contemplated by this act.

Issue of certi-
cate author-
izing to com-
mence business.

Publication
of certificate.

SEC. 8. The bank shall cause the certificate issued under the preceding section to be published in some newspaper printed in the city, village or county where the bank is located, at least once in each week for six successive weeks, the first publication to be made within ten days after the receipt of said certificate, or, if no newspaper is there published, then in a newspaper published at the nearest county seat.

Shares of stock
deemed per-
sonal property,
when not trans-
ferable.

SEC. 9. The shares of stock of such bank shall be deemed personal property, and shall be transferred on the books of the bank in such manner as the by-laws thereof may direct, but no transfer of stock shall be valid against a bank so long as the registered holder thereof shall be liable as principal debtor, surety or otherwise to the bank for any debt which shall be due and unpaid, nor in such case shall any dividend, interests or profits be paid on such stock, so long as such liabilities continue, but all such dividends, interest or profits shall be retained by the bank and applied to the discharge of such liabilities; and no stock shall be transferred on the books of any bank without the consent of the board of directors, where the registered holder thereof is in debt to the bank for any matured and unpaid obligations.

Bank may
increase or
reduce capital.

SEC. 10. A bank may increase or reduce its capital at any time by a vote of its stockholders representing two-thirds of the capital had at a meeting duly called for that purpose. A certificate of that fact shall be executed by its officers, including a majority of its directors, and filed as required for articles of incorporation. But no increase shall be valid until the amount thereof has been subscribed and actually paid in; and no reduction shall be made to a less amount than is required in section

When such
action valid.

one for capital, nor be valid or warrant the cancellation of stock certificates, or diminish the personal liability of stockholders until such reduction has been approved by the Commissioner of the Banking Department. Such approval must be based upon a finding by him that the security of existing creditors of the bank will not be impaired by the proposed reduction.

SEC. 11. A bank may purchase, hold and convey real estate for the following purposes, but no other:

First, Such as shall be necessary for the convenient transaction of its business, including with its banking office, other apartments to rent as a source of income, but which shall not exceed fifty per cent of its paid-in capital;

Second, Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its business;

Third, Such as it shall purchase at sale under judgments, decrees, or mortgage foreclosures under securities held by it; but a bank shall not bid at any such sale a larger amount than to satisfy its debt and costs. Real estate shall be conveyed under the corporate seal of the bank, and the hand of its president, or vice-president, and cashier or treasurer. No real estate acquired in the cases contemplated in the second and third sub-sections above shall be held for a longer time than five years. If not sold before the expiration of said five years it must be sold at private or public sale within thirty days thereafter.

Purposes for which real estate may be held, etc.

How conveyed.

Limit of time of holding.

DIRECTORS.

SEC. 12. The affairs of each bank shall be managed by a board of not less than five directors, who shall be elected by the stockholders and hold office for one year, and until their successors are elected and have qualified. A majority of the board of directors shall constitute a quorum for the transaction of business: *Provided*, That when the number of directors shall exceed nine, they shall once in three months designate by resolution nine members, any five of whom shall constitute a quorum. In the first instance the directors shall be elected at a meeting held before the bank is authorized to commence business by the Commissioner, and afterwards at the annual meeting of stockholders to be held on the second Tuesday in December of each year; and if for any cause an election is not had at that meeting it may be held at a subsequent meeting called for that purpose, of which due notice shall be given as provided in the by-laws adopted by such bank. At a meeting of stockholders for election of directors each share shall entitle the owner to one vote for each director, but no stockholder shall be entitled to vote who is indebted to the bank upon any obligation past due. A stockholder may vote at any meeting of the corporation by a proxy in writing signed by him, but no officer, clerk, teller, or book-keeper of such corporation shall act as proxy. Every director must own and hold in his own name not less than ten shares of the capital stock of such bank. He shall take and subscribe an oath that he

Affairs to be managed by board of directors, election of, etc.

Proviso.

First and subsequent election of directors.

Who entitled to vote.

Proxy.

Who may be directors, oath of, etc.

will diligently and honestly perform his duties in such office, and will not knowingly violate, or permit to be violated, any provision of this act; that he is the owner in good faith of stock of the bank, as required to qualify him for such office, standing in his name on the books of the bank, and that such stock is not pledged as security for any debt; such oath shall be transmitted to the Commissioner and filed in his office. Any vacancy in the board of directors shall be filled by the board, and the directors so appointed shall hold office until the next election.

Dividends and surplus fund.

SEC. 13. The board of directors of a bank may declare a dividend of so much of the net profits of the bank, after providing for all expenses, losses, interest, and taxes accrued or due from said bank, as they shall judge expedient; but before any such dividend is declared not less than one-tenth of the net profits of the bank for the preceding half year, or for such period as is covered by the dividend, shall be carried to a surplus fund until such surplus shall amount to twenty per cent of its capital stock.

Fraudulently receiving deposits, etc., a misdemeanor.

Penalty for.

SEC. 14. The directors and officers of any bank who shall fraudulently and with intent to cheat and defraud any person, receive any deposit, knowing, or having good reason to believe, that such bank is insolvent, shall be deemed guilty of a misdemeanor, and punished, upon conviction thereof, by a fine not to exceed one thousand dollars, or imprisonment in the county jail or State House of Correction and Reformatory at Ionia for a period not exceeding one year, or both such fine and imprisonment, at the discretion of the court.

List of stockholders to be filed annually.

SEC. 15. Every bank shall at all times keep a correct list of the names of all its stockholders, and once in each year on the second Monday of April, file in the office of the county clerk and with said Commissioner a correct copy of such list.

Banks re-organizing under U. S. laws liable, etc.

SEC. 16. Any State bank re-organized under the laws of the United States as a national bank, as soon as it shall have obtained the certificate from the controller of the currency authorizing it to commence business under the United States banking laws, shall retain and hold all the assets, real and personal, which it acquired during its existence under this act, and shall hold the same subject to all liabilities existing against said bank at the time of its re-organization.

Banks existing under U. S. laws may re-organize under this act, etc.

SEC. 17. Whenever any bank existing under the laws of the United States is authorized to dissolve, and shall have taken the necessary steps to effect dissolution, it shall be lawful for a majority of the directors of such bank, upon the authority in writing of the owners of two-thirds of its capital stock, with the approval of the Commissioner, to execute articles of incorporation as provided in this act, which articles, in addition to the requirements above, shall further set forth the authority derived from the stockholders of such dissolved national bank, and upon filing the same as hereinbefore provided upon the organization of banks, the same shall become a bank under the laws of this State. Thereupon all assets, real and personal, of said dissolved national

bank shall, by act of law, be vested in and become the property of such State bank, subject to all liabilities of said national bank not liquidated under the laws of the United States before such re-organization.

SEC. 18. Every officer, clerk, agent or employé of a bank who shall knowingly aid or assist in a violation of any of the provisions of this act, shall, upon conviction, be deemed guilty of a misdemeanor, and punished as provided in section fourteen of this act.

Penalty for violation of this act.

SEC. 19. It shall not be lawful for any officer, clerk, agent or employé of a bank to certify a check unless the amount thereof actually stands to the credit of the drawer upon the books of the bank, or to resort to any device, or receive any fictitious obligations, direct or collateral, in order to evade the provisions of this prohibition; and any officer, clerk, agent or employé who shall attempt any such evasion shall, upon conviction thereof, be deemed guilty of a misdemeanor, and punished as provided in section fourteen of this act.

When check may be certified.

Penalty for violating this section.

SEC. 20. If the board of directors, or a quorum thereof, of a bank shall knowingly violate, or knowingly permit any of the officers, agents or employés of the bank to violate any of the provisions of this act, and after warning from the Commissioner shall fail to make good all loss and damage resulting from such acts or omissions, such conduct shall constitute a ground for a forfeiture of the charter and privileges of said bank; and it shall be the duty of the Commissioner, with the assent of the Attorney General, to institute proceedings to enforce such forfeiture and to secure a dissolution and liquidation of said bank.

When charter may be forfeited.

REPORTS.

SEC. 21. Every bank shall make to the Commissioner of the Banking Department not less than four reports during each calendar year, at such times as said Commissioner shall require the same, according to the forms which he shall prescribe and furnish. Such reports shall be verified by the oath or affirmation of the president, vice-president, cashier or treasurer thereof, and signed by at least three of the directors. Such reports shall exhibit in detail, and under appropriate heads, the resources, assets and liabilities of the bank at the close of business of any past day by him specified, and shall be transmitted to said Commissioner within five days after the receipt of a request therefor from him, and in the same form such reports shall be published in a newspaper in the city, village or county where such bank is located, and proof of publication shall be furnished to said Commissioner. Such Commissioner shall also have the power to call for special reports from any bank or banks whenever, in his judgment, the same are necessary to inform him fully of the condition of such banks. In addition to the reports required above, each bank shall report to the Commissioner within ten days after declaring any dividend the amount of such dividend,

Reports to be made to Commissioner not less than four times each year.

What reports to exhibit, etc.

Special and additional reports.

the amount carried to surplus fund, and the amount of net earnings in excess thereof; such report to be verified by the oath or affirmation of one of the executive officers of the bank.

Penalty for failure to make report.

How recovered.

SEC. 22. Every bank failing to make and transmit to the Commissioner any of the reports required by this act shall be subject to a penalty of one hundred dollars for each day after the time mentioned above for making such reports. Whenever any bank delays or refuses to pay the penalty herein imposed for a failure to make and transmit a report the Commissioner is hereby authorized to maintain an action in the name of his office against the delinquent bank for the recovery of such penalty, and all sums collected by such action shall be paid into the State treasury and applied upon the expenses of the banking department.

COMMERCIAL BANKS.

Limit of amount loaned on real estate security.

Exception.

Interest on deposits, etc.

Reserve, amount of, etc.

Proceedings in case the reserve falls below required amount.

SEC. 23. Any bank which by its articles of incorporation shall designate its business as that of a commercial bank shall have power to carry on the business of banking as prescribed and limited in this act, but it shall not lend to exceed fifty per cent of its capital stock upon mortgage or any other form of real estate security, and then only upon the adoption of a resolution by a two-thirds vote of the board of directors stating to what extent its officers may loan on real estate, as herein provided, except to secure a debt previously contracted in good faith on personal security deemed at the time adequate to secure such loan.

SEC. 24. Commercial banks may allow interest on accounts or certificates of deposit, but all deposits in such banks shall be payable on demand without notice, except when the contract of deposit otherwise provides. Said banks may invest their capital and deposits, except the reserve provided for in this section, in negotiable or commercial paper, or loan the same upon personal securities. Each bank shall keep on hand at all times at least fifteen per cent of its total deposits, except that in cities of over one hundred thousand population each of such banks shall keep on hand 20 per cent of its deposits, one-half of which reserve shall be in lawful money, and the balance may be in funds, payable on demand, deposited in banks in cities, approved by the Commissioner as reserve cities.

SEC. 25. Whenever the reserve of any commercial bank shall fall below the amount above required, such bank shall not increase its liabilities by making any new loans, or discounts, otherwise than by discounting or purchasing bills of exchange payable at sight or on demand, and the Commissioner of the Banking Department may notify any bank whose reserve shall be below the amount above required to make good such reserve, and in case the bank shall fail for thirty days thereafter to make good its reserve the Commissioner may, with the concurrence of the Attorney General, institute proceedings for the appointment of a receiver to wind up the business of the bank.

SAVINGS BANKS.

SEC. 26. Any bank which, by its articles of incorporation, shall designate its business as that of a savings bank, shall have power to carry on the business of banking as prescribed and limited in this act, and may receive on deposit money offered by tradesmen, mechanics, laborers, servants, minors, and other persons; and all deposits in said banks shall be repaid to the depositors, or his or her lawful representatives when required at such time or times and with such interest and under such regulations as the board of directors of the bank from time to time prescribes, which regulations shall be printed and conspicuously exposed in some place accessible and visible to all in the business office of said bank.

Deposits,
repayment of,
etc.

SEC. 27. A savings bank shall keep on hand at least fifteen (15) per cent of its total deposits in money in its own vaults or on deposit payable on demand with banks, national or State, in cities approved by the Commissioner as reserve cities or invested in United States bonds; two-thirds of the remainder of its savings deposits shall be invested by the board of directors in bonds of the United States, or of this State, or in the bonds of any other State of the United States: *Provided*, That such State has not in the ten years preceding the time of such investment, repudiated its debt and failed to pay the same or the interest due thereon or upon any part of such debt; or in the public debt or bonds of any city, county, township, village or school district of any State in the United States which shall have been authorized by the legislature of such State: *Provided*, The total indebtedness of such municipality does not exceed five per cent of the assessed valuation, except by a vote of two-thirds of the board of directors such bonds may be purchased if the total liabilities do not exceed ten per cent of its assessed valuation, or loan the same upon negotiable paper secured by any of the above mentioned classes of security; or upon notes, or bonds, secured by mortgage lien upon unencumbered real estate worth at least double the amount loaned; the remainder of such deposits may be invested in notes, bills or other evidences of debt, the payment of which is secured by the deposit of collateral security consisting of personal property, of known marketable value, worth ten per cent more than the amount so loaned and interest for the time of the loan; or may be deposited in any national bank, trust company, or bank in cities in this or any other State approved by the Commissioner of the Banking Department as reserve cities; and a portion of said remainder, not exceeding the capital and additional stockholders' liability, may be invested in negotiable paper approved by the board of directors; but the deposits in any one bank shall not exceed ten per cent of the total deposits, capital and surplus of the depositing bank. In case the actual reserve shall fall below the fifteen per cent above provided, the bank shall promptly, and in good faith, take measures to restore and maintain its lawful reserve, in default of which the Commissioner of the Banking Department shall require such restoration within

Reserve to be
kept.

Balance, how
invested.

Proviso as to
bonds of other
States.

Proviso as to
debt of muni-
cipalities.

Limit of deposit
in any one bank.

Proceedings
when reserve
falls below
fifteen per cent.

thirty days after notice, and a failure to comply with such demand shall warrant proceedings to wind up the bank, as provided in section six of this act.

Pass books,
contents and
use of.

SEC. 28. A pass-book shall be issued to each depositor in the savings department, containing the rules and regulations adopted by the board of directors governing such deposits, in which book shall be entered each deposit made by, and each payment made to, such depositor, and no payment or check against any such savings account shall be made unless accompanied by and entered in the pass-book issued therefor, except for good cause and on assurances satisfactory to the officers of the bank.

Separate books
to be kept for
commercial and
savings bank
business.
Provido.

SEC. 29. Any bank combining the business of a commercial bank and a savings bank shall keep separate books of account for each kind of business: *Provided*, That all receipts, investments and transactions relating to each of said classes of business shall be governed by the provisions and restrictions herein specifically provided for the respective kinds of banks.

Regulating
rate of interest.

SEC. 30. It shall be the duty of the board of directors of each savings bank from time to time to regulate the interest to be allowed depositors, and pay the same at regular and stated periods.

Payment of
deposits to a
minor.

SEC. 31. When any deposit is made in any savings bank by a person being a minor the said bank may pay to such depositor such sums as may be due to him or her, although he or she have no guardian, and the receipt of such minor shall be in all respects valid in law.

Certificates of
deposit, etc.

SEC. 32. All certificates or evidences of deposits made by the proper officers of any bank shall be as effectual to bind the bank as if made under the common seal thereof; but said bank shall not issue any bill, note, or certificate intended to circulate as money, and no such bank shall issue post notes.

Construction
of this act.

SEC. 33. All the general powers and privileges, as well as the general restrictions and limitations provided in this act, and applied to the corporations to be organized under and regulated by this act, by the general designation of banks, shall be understood and construed to include commercial banks, savings banks, and those combining both branches of business.

Effect of this
act on banks,
etc., now
existing.

SEC. 34. The powers, privileges, duties and restrictions conferred and imposed upon any bank existing and doing business under the laws of this State are hereby abridged, enlarged or modified, as each particular case may require to conform to the provisions of this act, and to such amendments as may be made thereto. But nothing in this act shall be construed to affect the legality of investments heretofore made, or of transactions heretofore had, pursuant to any provisions of law in force when such investments were made or transactions had, nor to require the change of investments for those named in this act, except as the same can be done by the sale or redemption of the securities so invested in, in such manner as to prevent loss or embarrassment in the business of such bank, or unnecessary loss or injury to the borrowers on such securities; but no renewal or extension of any

such loan or investment shall be made by any bank, unless necessary to avoid loss or embarrassment, as above provided. All past due notes, overdrafts and other evidences of indebtedness not secured by mortgage, remaining unpaid for the period of six months, shall be charged off to the profit and loss account on the expiration of that time.

Disposition of
past due obligations,
etc.

BANKING DEPARTMENT.

SEC. 35. There is hereby established in the State department a separate and distinct bureau which shall have charge of the execution of the laws relating to banks, trust, loan, mortgage security, or safety deposit companies formed and transacting business under the laws of this State, to be designated as the State Banking Department.

State banking
department
authorized.

SEC. 36. The chief officer of the department shall be denominated the Commissioner of the Banking Department. He shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for the term of four years. He may appoint a deputy and revoke such appointment at pleasure, who shall possess the powers and perform the duties attached by law to the office of the Commissioner during a vacancy in such office, and during the absence or inability of his principal. He may also employ from time to time such clerks to assist him and his deputy in the discharge of the several duties imposed upon them by this act as he shall find necessary. The salary of the Commissioner shall be two thousand five hundred dollars per annum. The salary of the deputy and such clerks as may be employed under this act shall be at such a rate per annum as the Commissioner shall decide: *Provided*, That such rate is not in excess of that of the deputies and clerks of the several State departments. The salaries of the Commissioner, deputy and clerks shall be paid monthly or quarterly, by the State Treasurer, upon a voucher countersigned by the Auditor General. Vouchers for the Commissioner's salary must be first approved by the Governor. Vouchers for the deputy and clerks' salaries must be first approved by the Commissioner. All actual and necessary traveling expenses of said Commissioner, deputy or clerks, incurred in the discharge of their duties under this act, shall be fully itemized upon proper vouchers and certified in the order indicated for the salaries, and presented to the Board of State Auditors. If allowed, the Auditor General shall countersign. The State Treasurer shall, upon the presentation of vouchers so allowed and countersigned, reimburse the said officers' expenses. Within fifteen days from the notice of their appointment, respectively, the Commissioner and his deputy shall take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the Secretary of State. The said Commissioner of the Banking Department and his deputy aforesaid, shall each give to the people of this State a bond in the penal sum of twenty-five thousand dollars, with two or more sureties, to be approved by the State

Commissioner
of the banking
department, ap-
pointment of.

Deputy.

Clerks.

Salary of Com-
missioner,
deputy, and
clerks.

Proviso.

Payment of
salaries.

Expenses.

Oath of office.

Bond.

Commissioner or deputy not to be engaged in banking, etc.	Treasurer, conditioned for the faithful discharge of the duties of their respective offices; and the Commissioner or his deputy shall not be interested, directly or indirectly, in any national bank, nor in any bank or other corporation under their supervision, nor engaged in the business of banking. There shall be assigned to said Commissioner suitable rooms in the State capitol for conducting the business of said department.
Seal.	SEC. 37. The said Commissioners shall devise a seal for the use of his office, which shall continue to be the seal of said department. A description of the seal, with an impression thereof, shall be filed in the office of the Secretary of State.
Banks subject to inspection.	SEC. 38. Every bank existing or hereafter incorporated under the laws of this State shall be subject to the inspection and supervision of the Commissioner of the Banking Department as provided in this act.
Duty of Commissioner to annually examine books, etc.	SEC. 39. It shall be the duty of the Commissioner of the Banking Department, and he shall have power for himself, his deputy, or any examiner he may appoint for that purpose, to examine once in each year the cash, bills, collaterals or securities, books of account, condition and affairs of each bank under the law, and also when requested by the board of directors of any bank. For that purpose he may examine, on oath, any of the officers, agents, clerks, customers or depositors of such bank touching the affairs and business of such bank. Any willful false swearing in any examination shall be deemed perjury. He shall also ascertain whether each bank transacts its business at the place designated in the articles of incorporation, and whether its business is conducted in the manner prescribed by law.
False swearing, perjury.	SEC. 40. For each annual examination the bank examined shall pay into the State treasury for the credit of the general fund one hundredth part of one per cent of the gross amount of the assets of said bank: <i>Provided</i> , That the examination fee of any bank shall not be less than ten dollars. The expenses incurred and services performed especially for any bank shall be paid by such bank. If such charges or the annual fee are not paid after due notice, the Commissioner shall maintain an action in his name of office against the delinquent bank for the recovery of such charge, or annual fee, with interest thereon, and the sums so collected shall be paid into the State treasury. No person shall be appointed to examine a bank in which he is interested as stockholder, officer or employé, or otherwise. The Commissioner of the Banking Department, his deputy, every clerk in his employment and examiner shall be bound by oath to keep secret all facts and information obtained in the course of such examinations, except in as far as the public duty of such officer requires him to report upon or take official action regarding the affairs of such bank. No bank shall be subject to any visitation other than such as is required by this act, or otherwise authorized by law.
Fee for examination.	SEC. 41. Whenever any officer of a bank shall refuse to submit the books, papers and concerns of such bank to the inspectors [inspection] of the Commissioner, deputy, or examiner ap-
Proviso.	
Special expense, how paid.	
Collection of charges and fees.	
Certain facts and information to be kept secret.	
Proceedings in case bank refuses to submit to inspection, etc.	

pointed as aforesaid, or refuse to be examined on oath touching the concerns of the bank, the Commissioner may, with the concurrence of the Attorney General, institute proceedings for the appointment of a receiver for such bank to wind up its business.

SEC. 42. Whenever it shall appear from the report of any bank, or the Commissioner shall have reason to believe that the capital of any bank is impaired or reduced below the amount required by law, it shall be the duty of the Commissioner, and he shall have power to examine said bank and ascertain the facts, and in case he finds such impairment or reduction of capital, to require such bank to make good the deficiency so appearing. If any bank shall refuse or fail for ninety days after written requisition to make good the deficiency so appearing or found to exist, it shall be the duty of the Commissioner, with the concurrence of the Attorney General, to institute proceedings for the appointment of a receiver of such bank to wind up its business.

Proceedings in case capital of bank is impaired, etc.

SEC. 43. The Commissioner of the Banking Department shall make an annual report to the State Treasurer, which shall be published with such Treasurer's report, exhibiting:

Commissioner to report to State Treasurer annually.

First, A summary of the state and condition of every bank from which reports have been received during the year, with an abstract of the whole amount of capital returned by them, the whole amount of their debts and liabilities, the total amount of means and resources, separating the reports of such banks and other corporations, and specifying the amount of lawful money held by banks at the time of their several returns, and such other information in relation to such banks and corporations as in his judgment may be required;

What report to exhibit.

Second, A statement of the banks and corporations whose business has been closed during the year, the amount of their resources and liabilities, and the amount paid to the creditors thereof;

Third, The names and compensation of the clerks employed by him, and the whole amount of expenses of the banking department during the year;

Fourth, The amount of fees received for the examination of banks or other corporations, and fines collected and paid over to the State Treasurer.

SEC. 44. Whenever the Commissioner shall deem it expedient he may call a meeting of the stockholders of any bank, organized under the laws of this State, by a personal notice of such meeting for fifteen days previous thereto, and in case a majority of the stockholders cannot be reached by personal notice, then by publishing such notice at least once in each week for four successive weeks previous to the meeting in a newspaper published in the city, village or county where the bank is located, and if no newspaper is published there, then in the newspaper published at the nearest county seat.

Commissioner may call a meeting of stockholders of any bank, etc.

SEC. 45. A book shall be provided and kept by every bank, in which shall be entered the name and residence of the stockholders in the bank, the number of shares held by each, the time when each person became such stockholder, also all transfers of

Record of stockholders, etc., to be kept by bank.

Subject to inspection, by whom.	stock, stating the time when made, the number of shares, and by whom transferred. The said book shall at all times be, during the usual hours of transacting business, subject to the inspection of the directors, officers, stockholders and depositors of the bank.
Penalty for not keeping record and for refusal to exhibit it.	A neglect to provide and keep such book ready for examination, as herein provided, shall subject the officers of the bank, whose duty it is to provide and keep the same, to a penalty of one hundred dollars for every day's neglect; and a refusal by such officer to exhibit such book to any person rightfully demanding inspection thereof shall subject him to a penalty of fifty dollars; the said penalty may be sued for and recovered with costs by any person who will prosecute for the same in the name of the people of the State, and shall be paid to the State Treasurer for the credit of the banking department. In all actions, suits and proceedings, under this act, the said book shall be presumptive evidence of the facts therein stated.
How penalty recovered.	
Book to be evidence.	
Liability of stockholders.	SEC. 46. The stockholders of every bank shall be individually liable, equally and ratably, and not one for another, for the benefit of the depositors in said bank to the amount of their stock at the par value thereof, in addition to the said stock; but persons holding stock as executors, administrators, guardians or trustees, and persons holding stock as collateral security, shall not be personally liable as stockholders, but the assets and funds in their hands constituting the trust shall be liable to the same extent as the testator, intestate, ward or person interested in such trust funds would be, if living or competent to act; and the person pledging such stock shall be deemed the stockholder and liable under this section. Such liability may be enforced in a suit at law or in equity by any such bank in process of liquidation, or by any receiver, or other officer succeeding to the legal rights of said bank.
How liability enforced.	
Certain transactions null and void.	SEC. 47. All transfers of notes, bonds, bills of exchange or other evidences of debt owing to any bank, or of deposits to its credit, all assignments of mortgages, or other security on real estate or judgments or decrees in its favor, or deposits of money, bills or other valuable things for its use, or for the use of its stockholders or creditors, all payments of money, either after the commission of an act of insolvency or in contemplation thereof, with a view to prevent application of its assets in the manner prescribed in this act, or with a view to the preference of one creditor over another, shall be held to be null and void.
Service of legal process against banks.	SEC. 48. Legal process against any such bank shall be served upon its president or cashier or treasurer in the county where its business office is located or the plaintiff resides, or by leaving any attested copy at its banking house during banking hours with the teller, clerk or any officer of the bank.
Proceedings to enjoin.	SEC. 49. All proceedings by any bank to enjoin the Commissioner in the discharge of his duties under the provisions of this act shall be had in the county where said bank is located, or before the supreme court of this State.
	SEC. 50. All suits and proceedings arising out of the provis-

ions of law governing banks in which the State or any of its officers or agents shall be parties shall be conducted under the direction and supervision of the Attorney General.

When Attorney General to supervise suits under this act.

SEC. 51. Copies of all records and papers in the office of the Commissioner of the Banking Department certified by him, and authenticated by his seal of office, shall be evidence in all cases equally and with like effect as the original.

Copies of certain papers, etc., evidence.

SEC. 52. The total liabilities of any bank or any person or of any company, corporation or firm for money advanced, including in the liabilities of the company or firm the liabilities of the several members thereof, except special partners, shall at no time exceed one-tenth part of the amount of the capital and surplus of such bank; but the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed: *Provided, however*, That the foregoing limitations shall not apply to loans upon real estate or other collateral securities authorized by this act: *Provided further*, That by a two-thirds vote of the directors the liabilities of any bank or any person or company or corporation or firm, may be increased not to exceed one-fifth of the capital of the bank.

Liability of banks, etc., for money, etc., limited.

Proviso.

Further proviso.

SEC. 53. Any bank organized under the provisions of this act may go into liquidation and be closed by a vote of its stockholders owning two-thirds of its capital. Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified, under the seal of the bank, by its president, cashier or treasurer, to the Commissioner of the Banking Department, and publication thereof, notifying creditors to present their claims against the bank for payment, shall be made once in each week for eight successive weeks in a newspaper published in the city of Detroit, and also in a newspaper published in the city, village or county in which the bank is located, or if in no newspaper is there published then in the newspaper published at the nearest county seat.

Proceedings when bank decides to go into liquidation.

SEC. 54. A bank which is in good faith winding up its business for the purpose of consolidating with some other bank may transfer its assets and liabilities to the bank with which it is in process of consolidation; but no such consolidation of banks shall be made without the consent of the Commissioner of the Banking Department, and not then to defeat or defraud any of the creditors in the collection of their claims against said banks, or either of them.

Consolidation of banks.

SEC. 55. On becoming satisfied that any bank has refused to pay its deposits in accordance with the terms on which such deposits were received (if received in accordance with the provisions of this act), or that any bank has become insolvent, or that its capital has become impaired, or that any bank has violated any of the provisions of this act, or for any cause hereinbefore or hereinafter stated, the Commissioner of the Banking Department may forthwith, with the approval of the Attorney General, apply

When receiver may be appointed.

Duty of receiver. to a court of record of competent jurisdiction for the appointment of a receiver for such bank, who, under the direction of such court, shall take possession of the books, records and assets of every description of such bank, collect all debts, dues and claims belonging to it, and sell or compound all bad or doubtful debts, and sell all the real and personal property of such bank on such terms as the court shall direct, and may, if necessary to pay the debts of such bank, enforce all individual liability of the stockholders. Such receiver shall pay over all money so collected or received to the State Treasurer, and also make report to the Commissioner of all his acts and proceedings.

Duty of Commissioner on appointment of receiver. SEC. 56. The Commissioner shall, upon the appointment of a receiver, as above provided, cause notice to be given by advertising in such newspapers as he may direct once in each week, for twelve successive weeks, calling on all persons who may have claims against such bank to present the same to said receiver and make legal proof thereof.

Dividends to be made by receiver. SEC. 57. From time to time, under the direction of the Commissioner of the Banking Department, the receiver shall make ratable dividends of the moneys realized or collected by him on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction, and the remainder of the proceeds, if any, after the costs and expenses of such proceedings and all debts and obligations of the bank are satisfied, shall be paid over to the stockholders of such bank, or their legal representatives, in proportion to the stock by them respectively held.

Penalty for embezzlement, etc. SEC. 58. Every president, director, cashier, treasurer, teller, clerk or agent of any bank, who embezzles, abstracts or willfully misapplies any of the moneys, funds, credits or property of the bank, whether owned by it or held in trust, or who, without authority of the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of the bank, with intent in either case to injure or defraud the bank, or any company, corporation or person or to deceive any officer of the bank or any agent appointed to examine the affairs of such bank, and any person who with like intent aids or abets any officer, clerk or agent, in violation of this section, or who shall issue or cause to be issued, or put in circulation, any bill, note or other evidence of debt to circulate as money, upon conviction thereof, shall be imprisoned in the State Prison or in the State House of Correction and Reformatory at Ionia, not to exceed twenty years.

Taxation of bank property. SEC. 59. All real estate owned by any bank may be taxed as other real estate in the city, village or township where the same may be situated, and the residue of its capital and surplus shall be taxed as personal property, but the assessment thereof for taxation shall not be at a greater rate than is assessed on money capital in the hands of individual citizens in the same city, village or township.

SEC. 60. The provisions of this act shall apply to and govern all State banks organized and now existing within this State, and all such banks shall on or before the first day of January next following the time when this act becomes operative file with the Commissioner of the Banking Department a certificate executed by the executive officers of each bank in substantial conformity to the requirements of original article of incorporation provided for in section two (2) of this act; or any bank so existing may within the same time re-organize under this act, and when so re-organized all securities, real estate, property and assets of every kind shall become vested in such re-organized bank without any formal conveyance or transfer, but no such re-organization shall have the effect to discharge the original bank, its directors or stockholders from any liability to its depositors, or any other person, but the same shall continue until legally discharged, and such re-organized bank shall be legally liable to pay every claim, demand and obligation existing against the bank whose assets and property, or any part thereof, it has received by virtue of such re-organization.

Act to apply to all State banks.

Existing banks may re-organise.

Re-organisation not to discharge existing liabilities.

SEC. 61. Every officer or employé of a bank required by this act to take any oath or affirmation, who shall willfully swear or affirm falsely, shall be deemed guilty of perjury, and upon conviction thereof shall be punished as provided by the laws of this State in case of perjury.

Penalty for false swearing by officer, etc., of bank.

SEC. 62. Nothing in this act contained shall be so construed as to prevent any bank organized or doing business under this act from making or issuing bills of exchange on foreign countries or places beyond jurisdiction of the United States; which bills of exchange may be made payable at or with the customary usance, and at or within ninety days' sight, but no such draft or bill of exchange shall be used or put in circulation as money by any such bank.

Foreign exchange, etc.

SEC. 63. The legislature may at any regular session thereof alter or amend this act, or any part thereof, by a vote of two-thirds of the members of the Senate and House of Representatives constituting said bodies; and hereafter it shall not be necessary to submit any such proposed alteration or amendment to the electors of the State for adoption or approval, but all such acts shall be valid and effectual when so passed by the legislature and approved as other laws are in accordance with the constitution of this State.

Provisions for amending this act.

SEC. 64. All acts and parts of acts of which this act is amendatory or supplementary, inconsistent with the provisions of this act, are hereby repealed.

Acts repealed.

SEC. 65. This act shall be submitted to the electors of this State for their approval or disapproval at the next general election. At said election a ballot-box shall be provided and kept by the several boards of inspectors thereof for receiving the votes cast for or against this act; and on the ballot shall be written or printed, or partly written and partly printed, the words "A general banking law—Yes," or, "A general banking law—No."

Act to be submitted to vote of electors, when.

Form of ballots.

Canvass of
votes.

SEC. 66. The canvass of the votes cast for or against this act, and the returns thereof, shall be made by the proper canvassing officers, within the same time, and in the same manner as now provided by law for the canvass and return of the votes cast at the said general election, and the result be declared by the board of canvassers at the same time and manner as the result of the canvass for State officers; and if it shall appear that a majority of the votes cast at such election have thereon "A general banking law—Yes," this act shall become a law, and take effect within sixty days after said general election.

When this act
to become a
law.

Approved June 21, 1887.

[No. 206.]

AN ACT making an appropriation for completing and furnishing the attics of the Northern Michigan Asylum for the Insane and building a detached cottage therefor.

Appropriation
and purpose of.

SECTION 1. *The People of the State of Michigan enact*, That there be and is hereby appropriated from the general fund the sum of five thousand five hundred dollars (\$5,500) for the completion of attics for the year eighteen hundred and eighty-seven, and a further sum of thirteen thousand dollars for building, furnishing, lighting and heating, ready for occupancy, a detached cottage with accommodations for fifty patients for chronic insane for the year eighteen hundred and eighty-eight.

Moneys, how
drawn.

SEC. 2. The moneys hereby appropriated may be drawn from the State treasury upon the warrant of the Auditor General in such sums and at such times as shall be made to appear to him necessary. The sums thus appropriated shall be expended only for the purpose [purposes] specified in this bill, and their receipts and disbursements shall be accounted for by duplicate vouchers and monthly accounts current as provided by act number one hundred and forty-eight of the laws of eighteen hundred and seventy-three.

Tax for
appropriation.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for eighteen hundred and eighty-seven and for eighteen hundred and eighty-eight the amounts appropriated by section one of this bill for each of said years, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which, when collected, shall be passed to the credit of the general fund to reimburse the same for the moneys appropriated by section one of this act.

This act is ordered to take immediate effect.

Approved June 21, 1887.

[No. 207.]

AN ACT to amend section six of chapter three of act number two hundred and twenty-seven of the public acts of eighteen hundred and eighty-five, entitled "An act to provide for the construction and maintenance of drains and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," approved June twentieth, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact,* That section six of chapter three of act number two hundred and twenty-seven of the public acts of eighteen hundred and eighty-five, entitled "An act to provide for the construction and maintenance of drains and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," approved June twentieth, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 6. The court to whom such application is made shall make an examination at the time of such application of all the proceedings of the commissioner so far as had, and if such proceedings be found to be in accordance with the statute, such court shall at once appoint a time and place of hearing upon the application, which time shall be fixed not less than thirty nor more than forty days thereafter, and the court shall issue a citation to all persons whose lands are traversed by such drain, or who will be liable to assessment for benefits in the construction thereof, and who have not released right of way and all damages on account thereof, to appear at the time and place designated in said citation, and be heard with respect to such application, if they so desire, and show cause, if any there be, why said application should not be granted. If any person on whom such service is to be made is a minor under the age of fourteen years, or an idiot or person of unsound mind, and resides in this State, such service shall be made as herein provided on his guardian; or if none, then on the person who has the care of, or with whom such infant, idiot, or person of unsound mind resides. In case any person to be affected by the proceeding is an infant, idiot, or person of unsound mind, and has no guardian, the said court, or the judge of said court, shall appoint a special guardian or committee to appear for and attend to the interests of such infant, idiot, or person of unsound mind, and all notices to be served in the progress of the proceeding may be served on such special guardian. Court to appoint time and place of hearing.

This act is ordered to take immediate effect.

Approved June 21, 1887.

[No. 208.]

AN ACT to provide for the correction of frauds and mistakes in the canvass and returns made by inspectors of elections.

Petition for correction of canvass to whom made, etc.

Proviso limiting deposit of money by applicant, and disposition of.

When board of canvassers to investigate.

Power of Board.

Committee of investigation, how appointed, etc.

Committee to make a re-count and written return to board.

Ballots to be returned to boxes, etc.

Report of committee to be received by board as correct.

Certiorari to circuit court.

SECTION 1. *The People of the State of Michigan enact,* That any candidate voted for at any election, conceiving himself aggrieved on account of any fraud or mistake in the canvass of the votes by the inspectors of election, or in the returns made, may on or before the close of the last day upon which the board of city canvassers meet, if a city or ward office, or district board, or the board of county canvassers meet, in all other cases, present to and file with the clerk of such board a written petition, which shall be sworn to, setting forth, as near as may be, the errors, mistakes or frauds complained of, and the township, ward or district in which they occur, and asking for a correction thereof. He shall at the same time deposit with the clerk of said board the sum of ten dollars for each and every township, ward or district referred to in his petition: *Provided,* That no candidate shall be required to deposit more than one hundred dollars, which sum shall be paid, in case such petitioner does not establish a fraud or mistake, as set forth in his petition, by the clerk of the board of city canvassers to the city treasurer for the use of the city, and by the clerk of the county or district board to the county treasurer for the use of the county. Upon filing such petition, making such deposit and giving at least twelve hours' written notice thereof to the opposing candidate, by handing to such candidate a copy thereof, or if such candidate cannot be found, by leaving such copy at the last place of residence, it shall be the duty of such board of canvassers to proceed to make an investigation of the facts set forth in said petition. For such purpose the said board shall have power to cause the ballot-boxes used in such election districts to be brought before them. The said board shall thereupon appoint a committee of their own number as follows: The said board shall designate a member who shall be the chairman of said committee, the candidate presenting such petition and the candidate opposed thereto shall each choose a member, and if such candidates, or either of them, decline to so choose a member, then the board shall designate, and the three thus chosen shall constitute a committee to investigate the errors, mistakes or frauds complained of. Said committee shall, in some public place, where such candidates and their counsel may be present if they so desire, without unnecessary delay proceed to open the ballot-boxes from such districts, townships or wards, and to make a re-count thereof as to such candidates, and make correct and full returns in writing under their hands to said board, showing the whole number of votes given, the names of the candidates, and the number of votes given to each, written out in words and figures as upon the ballots. Said committee, upon making such re-count, shall at once return the ballots to their respective boxes, carefully fasten and seal the same and deliver them to the officer having the care and custody thereof. Said board of canvassers, upon receiving the report of such committee, shall accept the same as correct, anything in the previous returns from such township, ward or district to the contrary notwithstanding. Any candidate not

receiving a certificate of election, may for errors apparent upon the face of the returns, have the same examined and corrected upon *certiorari* to the circuit court of the county, according to the rules and practice applicable to such writs. In all cases where, by reason of such re-count, the petitioner succeeds in establishing a fraud or mistake, as set forth in his petition, and receives a certificate of election, the money deposited by him shall be refunded. For fraudulent or illegal voting, or tampering with the ballot boxes before a re-count by the board of canvassers, the remedy by *quo warranto* shall remain in full force, together with any other remedies now existing.

If petitioner establishes fraud, etc., deposit to be returned to him.

Remedy for fraudulent voting, etc.

Approved June 21, 1887.

[No. 209.]

AN ACT providing for the employment, defining the duties, and fixing the compensation of a stenographer for the thirteenth judicial circuit, State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* a stenographer for the thirteenth judicial circuit shall be appointed by the Governor, on the certificate of the circuit judge that a stenographer is desirable in said court. The person so appointed shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge. He shall be deemed an officer of the court, and shall hold the position during the pleasure of the Governor: *Provided*, The court shall have power to suspend him for incompetency or misconduct, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded.

Appointment of stenographer.

Oath and term of office.

Proviso.

SEC. 2. In case of the death, resignation, removal or suspension of the stenographer, the Governor shall, upon the recommendation of the circuit judge, appoint a successor to the office; but in case of sickness or temporary absence of the stenographer the judge may appoint some competent person during his absence, the expense thereof to be paid by the stenographer holding the appointment.

Vacancy, how filled.

SEC. 3. It shall be the duty of said stenographer to attend upon the circuit court of each of the counties composing said circuit, during each term thereof respectively, and to take full stenographic notes of all testimony given and proceedings had upon the trial or hearing of cases therein. The stenographer so appointed shall receive such salary, not to exceed eighteen hundred dollars per annum, as the circuit judge may annually fix, payable in monthly installments out of the county treasury of each of the counties composing said circuit, according and in proportion to the amount of business done therein in which the stenographer is employed; and it shall be the duty of the circuit judge of said circuit, on the first of January of each year, or as soon thereafter as may be, to apportion the amount of salary to be paid by each county in said circuit on the basis aforesaid.

Duty of stenographer.

Salary.

Judge to apportion amount to be paid by each county.

Taxation of cases in which stenographer is employed.

SEC. 4. Each and every issue of fact at law, or in chancery, tried or heard before the court or jury, and in each chancery case in which the proofs are taken in open court, in which the stenographer shall be employed, shall be taxed the sum of three dollars, to be paid by the plaintiff or complainant at the commencement of such trial or hearing, into the hands of the clerk, and by him paid into the county treasury of the county in which said case is tried or heard.

Stenographer to furnish copy of notes taken by order of courts

SEC. 5. It shall be the duty of [the] said stenographer, upon the order of the court, to furnish in legible English, a full copy of the notes taken by him on the trial or hearing of any cause, without cost to either party, and file the same with the clerk of the county wherein such case was tried or heard, for the use of the court and the parties to said cause, and such copy shall be made and filed within such time as the court shall order. The court may, in any case where he deems it proper, and where the notes to be copied exceed five hundred folios, allow the stenographer, as compensation for such copying excess such sum, not exceeding ten cents per folio, as he deems proper to be paid in criminal cases, when the court shall order, by the county treasurer of the county in which such case was heard or tried, upon the certificate of the judge that such copy has been filed pursuant to such order, and in civil cases by the party or parties desiring the same, to be taxed as costs to the prevailing party.

Compensation for copying certain notes.

How paid.

Copies of notes to be furnished any party paying for same.

SEC. 6. It shall be the duty of said stenographer to furnish, without delay, copies of the notes taken by him, in legible English, to any party who may request the same, for such sum as may be agreed upon, not to exceed ten cents per folio.

Method of taking, filing and keeping notes.

SEC. 7. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. In the event of the death or resignation or his removal from office or from this State of the stenographer said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same, subject to the direction of the circuit court for the county: *Provided*, That said notes shall be subject to inspection as other records in said cause.

Proviso.

Certain sections of certain act not to apply, etc.

SEC. 8. In cases tried in the circuit court of said judicial circuit in which such stenographer shall be engaged, sections one and four of an act entitled "An act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts," approved March twenty-six, eighteen hundred and sixty-nine, shall not apply.

This act may be changed by subsequent legislation.

SEC. 9. The salary of the stenographer provided for by this act may be changed by any subsequent legislature, and any other change as may be deemed proper may be made, and any appointment under this act shall be subject thereto and controlled thereby.

SEC. 10. All acts or parts of acts, contravening the provisions hereof, in force at the time of the passage of this act, shall be construed as of no effect as applying to said thirteenth judicial circuit.

Acts of no effect as applying to 18th circuit.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 210.]

AN ACT providing for the employment, defining the duties and fixing the compensation of a stenographer for the second judicial circuit, State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* a stenographer for the second judicial circuit shall be appointed by the Governor, on the certificate of the circuit judge that a stenographer is desirable in said court. The person so appointed shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge. He shall be deemed an officer of the court, and shall hold the position during the pleasure of the Governor: *Provided, That* court shall have power to suspend him for incompetency or misconduct, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded.

Appointment of stenographer.

Oath and term of office.

Provide.

SEC. 2. In case of the death, resignation, removal, or suspension of the stenographer, the Governor shall appoint a successor to the office; but in case of sickness or temporary absence of the stenographer, the judge may appoint some competent person during his absence, the expense thereof to be paid by the stenographer holding the appointment.

Vacancy, how filled.

SEC. 3. It shall be the duty of said stenographer to attend upon the circuit court of each of the counties composing said circuit during each term thereof respectively, and to take full stenographic notes of all testimony given and proceedings had upon the trial or hearing of cases therein. The stenographer so appointed shall receive a salary of fifteen hundred dollars per annum, payable in monthly installments out of the county treasury of each of the counties composing said circuit, according and in proportion to the amount of business done therein in which the stenographer is employed; and it shall be the duty of the circuit judge of said circuit, on the first day of January of each year, or as soon thereafter as may be, to apportion the amount of salary to be paid by each county in said circuit on the basis aforesaid.

Duty of stenographer.

Salary.

Judge to apportion amount to be paid by each county.

SEC. 4. Each and every issue of fact at law, tried before the court or jury, and in each chancery case in which the proofs are taken in open court, in which the stenographer shall be employed, shall be taxed the sum of three dollars, to be paid by the plaintiff or complainant at the commencement of such trial or hearing, into the hands of the clerk, and by him paid into the

Taxation of cases in which stenographer is employed.

Stenographer to furnish copy of notes taken by order of court.

Compensation for copying certain notes.

Copies of notes to be furnished any party paying for same.

Method of taking, filing, and keeping notes.

proviso.

Certain sections of certain acts not to apply.

This act, relating to salary, may be changed by subsequent legislature.

Acts of no effect as applying to 2d circuit.

county treasury of the county in which said case is tried or heard.

SEC. 5. It shall be the duty of [the] said stenographer, upon the order of the court, to furnish in legible English, a full copy of the notes taken by him on the trial or hearing of any cause, without cost to either party, and file the same with the clerk of the county wherein such case was tried or heard, for the use of the court and the parties to said cause, and such copy shall be made and filed within such time as the court shall order. The court may, in any case where he deems it proper, and where the notes to be copied exceed five hundred [500] folios, allow the stenographer as compensation for such copying excess such sum, not exceeding six cents per folio, as he deems proper, to be paid in criminal cases, when the court shall order, by the county treasurer of the county in which such case was heard or tried, upon the certificate of the judge that such copy has been filed pursuant to such order, and in civil cases by the party or parties desiring the same, to be taxed as costs to the prevailing party.

SEC. 6. It shall be the duty of said stenographer to furnish, without delay, copies of the notes taken by him in legible English, to any party who may request the same, for such sum as may be agreed upon, not to exceed six cents per folio.

SEC. 7. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. In the event of the death or resignation or his removal from office or from this State of the stenographer said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same, subject to the direction of the circuit court for the county: *Provided*, That said notes shall be a part of the records in said cause, and shall be subject to inspection as other records in said cause.

SEC. 8. In cases tried in the circuit court of said judicial circuit in which such stenographer shall be engaged, sections one and four of an act entitled "An act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts," approved March twenty-six, eighteen hundred and sixty-nine, shall not apply.

SEC. 9. The salary of the stenographer provided for by this act may be changed by any subsequent legislature, and any other change as may be deemed proper may be made, and any appointment under this act shall be subject thereto and controlled thereby.

SEC. 10. All acts or parts of acts contravening the provisions hereof, in force at the time of the passage of this act, shall be construed as of no effect as applying to said second judicial circuit.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 211.]

AN ACT to provide for the appointment, compensation and duties of a stenographer of the sixth judicial circuit.

SECTION 1. *The People of the State of Michigan enact*, That a stenographer for the sixth judicial circuit shall be appointed by the Governor, on the recommendation of the judge of said circuit, and on the certificate of said judge that the business of the circuit courts for said circuit is such as to render the employment of a stenographer desirable. Appointment of stenographer.

SEC. 2. The person so appointed shall be deemed an officer of the court, and shall hold the position during the pleasure of the Governor: *Provided*, The court shall have the power to suspend him for misconduct or failure to properly perform his duties, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded. If such suspension shall not be rescinded within thirty days after the order the office shall be deemed vacant, and it shall thereupon be the duty of the Governor, on receiving notice of such vacancy from the presiding judge, to fill the same by the appointment of a competent person under the recommendation of said judge. Office and term of.
Proviso.
Vacancy, how filled.

SEC. 3. In case of the death or resignation of the stenographer or his inability to serve, from any cause, the Governor shall, on the recommendation of the judge of said circuit, appoint a successor to the office on receiving notice of such vacancy from said judge; but in case of sickness, or temporary absence, or suspension by the court as aforesaid of the stenographer, the judge may appoint some competent person to act in his absence or during such suspension. Idem.

SEC. 4. It shall be the duty of the stenographer so appointed to attend upon the circuit courts for said circuit at each term, under the direction of the court, and to take full stenographic notes of the testimony and other proceedings on the trial of cases at law and in equity. Duty of stenographer.

SEC. 5. In case the counsel for either party shall in writing request of said stenographer a copy of the testimony given in any trial for the purpose of moving for a new trial, preparing a bill of exceptions, or removing the cause to the supreme court, it shall be the duty of the stenographer, so appointed, to furnish within a reasonable time to each party to the suit, or his counsel, a copy of the same, and he shall be entitled to demand and receive therefor from the party so requiring it the sum of six cents per folio for each folio so transcribed in excess of three hundred folios, but only for one copy of the testimony, and if such transcript does not exceed three hundred folios the same shall be furnished without charge, and the amount so paid shall be recovered as a part of the taxable costs by the prevailing party in such motion or in the supreme court: *Provided*, That if the judge shall so direct, he shall make and file a copy of the testimony To furnish copy of notes, to whom.
Compensation of, for furnishing, etc.
Proviso.

without fee or charge to any person, and the testimony so furnished or filed shall be deemed the official record of the court.

Compensation of stenographer, except as provided in Sec. 5.

SEC. 6. The stenographer so appointed shall receive as a compensation for all his services, except as provided in section five, the sum of fifteen hundred dollars per annum, which sum shall be paid in monthly installments, as hereinafter provided, out of the county treasury of the counties composing said circuit in proportion to the number of suits, law and chancery, entered and commenced in the circuit court for such counties respectively the preceding year, upon the order of the clerk of said court, said clerk being hereby authorized and directed to draw such orders and the county treasurer to pay the same upon presentation: *Provided*, The circuit judge shall certify thereon that said services have been faithfully performed.

Proviso.

Assistant stenographer.

SEC. 7. The stenographer so appointed shall have the power to appoint an assistant subject to the approval of the court, whose duties shall be subject to and whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have the power to revoke such appointment at any time.

Proviso.

Apportioning salary of stenographers to counties in circuit.

SEC. 8. To make up and pay the salary specified in section six of this act the boards of supervisors of the counties composing said circuit shall annually appropriate the sum of fifteen hundred dollars for such purpose, which sum shall be appropriated by said counties, according to and in proportion to the number of suits, law and chancery, entered and commenced in the circuit court for such counties respectively the preceding year, and it shall be the duty of the circuit judge of such circuit, on the first day of September of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his circuit on the basis aforesaid, which apportionment shall be filed with the clerk of each county in said circuit, and it shall be the duty of the clerk of each county in said circuit to certify to the board of supervisors of his county the amount apportioned to that county: *Provided*, That for the year eighteen hundred and eighty-seven the circuit judge of said circuit shall, as soon as this act takes effect, apportion the amount to be paid by each county for the year eighteen hundred and eighty-seven, in the manner above specified, and the same shall be paid out of the general expense fund in the hands of the county treasurers of the respective counties.

Duty of judge therein.

Proviso as to the year 1887.

Method of taking, filing, and keeping notes.

SEC. 9. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside and safely keep the same in his office. In the event of the death or resignation or his removal from office or from this State of the stenographer said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of

the circuit court for the county: *Provided*, That said notes shall be subject to inspection as other records in said cause. Proviso.

SEC. 10. In each and every issue of fact tried and contested before the court or jury in which the stenographer shall be employed there shall be taxed three dollars, the same to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him into the county treasury to apply to the credit of the general expense fund, and the prevailing party shall have the amount so paid by him taxed in his costs as proper disbursements. Taxation of cases in which stenographer is employed.

SEC. 11. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge. Oath of office.

SEC. 12. In cases tried in the circuit court, in which such stenographer shall be engaged, sections one and four of an act entitled "An act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts," approved March twenty-sixth, eighteen hundred and sixty-nine, shall not apply. Certain sections of certain act not to apply, etc.

SEC. 13. All acts or parts of acts contravening the provisions hereof, in force at the time of the passage of this act, shall be construed as void and of no effect as applying to the circuit courts for the sixth judicial circuit. Acts of no effect as applying to 6th circuit.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 212.]

AN ACT making appropriations for the State Board of Fish Commissioners for the year ending June thirtieth, eighteen hundred and eighty-eight, and the year ending June thirtieth, eighteen hundred and eighty-nine.

SECTION 1. *The People of the State of Michigan enact*, That the sum of sixteen thousand seven hundred and fifteen dollars and ninety-four cents be and the same is hereby appropriated for the year commencing July first, eighteen hundred and eighty-seven, and ending June thirtieth, eighteen hundred and eighty-eight, and the sum of sixteen thousand seven hundred and fifteen dollars and ninety-four cents is hereby appropriated for the year commencing July first, eighteen hundred and eighty-eight, and ending June thirtieth, eighteen hundred and eighty-nine, for the necessary current expenses of the State Board of Fish Commissioners during those years, which the State Treasurer shall pay to said board on the warrants of the Auditor General from time to time, as their vouchers for the same shall be exhibited and approved. Appropriation for current expenses.

For special
purposes.

SEC. 2. That the further sum of five thousand five hundred and thirty-five dollars is hereby appropriated for use by said board for the year ending June thirtieth, eighteen hundred and eighty-eight, for the erection and repair of buildings and ponds and for additional equipment for the several stations for propagating food fishes, and for prosecuting the work entrusted by law to said board. The further sum of three hundred and fifty dollars is hereby appropriated to cover deficiency for the year eighteen hundred and eighty-six, this sum to be credited to said board during the current year ending June thirtieth, eighteen hundred and eighty-seven.

For deficiency.

Tax for appro-
priation.

SEC. 3. The sum of twenty-two thousand six hundred dollars and thirty-four cents the Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and eighty-seven, and the further sum of sixteen thousand seven hundred fifteen dollars and ninety-four cents he shall add to and incorporate with the State tax for the year eighteen hundred and eighty-eight, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be paid into the State treasury to reimburse the same for the amounts to be drawn, as provided in sections one and two of this act.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 213.]

AN ACT to provide for the appointment of inspectors of mines and their deputies in certain cases, to prescribe their powers and duties and provide for their compensation.

Board of super-
visors to
appoint, fix com-
pensation of
inspectors.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of any county in the Upper Peninsula in this State where there are mines situated and working, are hereby authorized and directed at their first meeting after this act shall take effect, to appoint some suitable person who is a practical miner an inspector of mines, and as many deputy inspectors as, in their judgment, may be necessary for the purpose of discharging the duties hereinafter prescribed, to fix the compensation of said inspector and deputies and provide for the payment of the same, and to remove the same, or any one thereof, and appoint others in their places, whenever, in their judgment, the best interests of owners and employes may so require, and to fill vacancies arising from any other cause than removal.

Inspector to
give bonds, etc.

SEC. 2. The inspector of mines, when so appointed, shall give bonds in the sum of five thousand dollars, with good and sufficient sureties, to be approved by the board of supervisors, for the faithful performance of his duties, which said bond shall be payable to the board of supervisors of the county in which said inspector shall be appointed, and shall be filed with the clerk of

the county when he is so appointed, and any and all deputy inspectors in any county shall be under the supervision of the inspector of mines for that county, and their duties shall be prescribed by him.

SEC. 3. The duties of the mine inspector shall be to visit all the mines in his county producing iron ore once in every sixty days, and oftener if in his judgment necessary; and the mines producing gold, silver, copper and slate once in each year, and oftener if in his judgment necessary, and closely inspect the mines so visited, and condemn all such places where he shall find that the employés are in danger from any cause, whether resulting from careless mining or defective machinery or appliances of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed and where there are ladder-ways, where men must ascend and descend, going to and from their work. In case the mine inspector shall find that a place is dangerous from any cause as aforesaid, it shall be his duty to order the men engaged in work at the said place to quit work immediately, and he shall notify the superintendent, agent or person in charge to secure the place from the existing danger, which said notification or order shall be in writing, and shall clearly define the limits of the dangerous place, and specify the work to be done or change to be made to render the same secure, ordinary mine risks excepted. It shall also be the duty of the mine inspector to command the person, persons or corporation working said mine, or the agent or boss of such person, persons or corporation under his jurisdiction, to furnish all shafts of their mines with some secure safeguard at the top of the shaft so as to guard against accidents by persons falling therein or by material falling down the same, also a covering overhead on all the carriages on which persons ascend or descend up and down the shaft, if in his judgment it shall be practicable and necessary for the purpose of safety.

Duties of
inspector.

SEC. 4. If any man or men are allowed to continue work in any place condemned by the mine inspector, except to do the work required to be done to insure safety before said place has received the necessary changes to secure the safety (ordinary risks of mining excepted) of the laborers engaged therein, the person, persons or corporation operating said mine shall be liable for all accidents causing injuries or death to employés working in or about such place until the order referred to in the preceding section shall have been complied with or revoked.

Liability of
owners of
mines, etc., for
disobeying
orders of
inspector.

SEC. 5. It shall be the duty of the person, persons or corporation, or the superintendents or agents of the same, when the mine inspector arrives at any mine on his official business, to furnish for his inspection all maps, drawings and plans of the mine, together with plans of all contemplated changes in the manner of working the mine, or any part thereof; to furnish him with such suitable person or persons as he may desire to accompany him through the mine or any part thereof; and also to furnish him with suitable ladders and other necessary appliances to make a

Duty of owner,
etc., of mines,
in assisting
inspector in
examinations.

proper inspection; and should they, or any of them, neglect or refuse to comply with any of the provisions of this section, such refusal or neglect shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each and every offense.

Salary and mileage of inspector, how paid.

SEC. 6. The salaries for the mine inspector and the assistants so elected shall be paid out of the treasury of the county in which he serves on vouchers similar to those used by other county officials, and in addition thereto he shall be entitled to mileage at the rate of four cents per mile for the actual distance traveled while on official business.

Ten persons may, by notice, cause inspection.

Proviso as to calling attention of superintendent, etc., to danger.

SEC. 7. When ten persons working in any mine, or place where mining is done, shall notify the mine inspector, in writing, that his services are needed, he shall immediately make inspection, or send any one of his assistants to do so: *Provided, however,* That it shall be made to appear to said inspector that they, the said men so complaining, have called the attention of the superintendent, agent, mining captain, or boss to the condition of such place, pointed out the danger in working therein or thereat, and the said person or persons so notified have either neglected or refused to make the same secure or safe for work, ordinary mine risks excepted.

Annual report of inspector, when filed.

What to specify.

SEC. 8. It shall be the duty of each of the inspectors of mines appointed under this act to make and file with the clerk of the county for which he was appointed, at least ten days before the time fixed by law for the annual autumn meeting of the board of supervisors, an annual report of his acts and proceedings under this act, specifying, among other things, the number of mine accidents occurring during the preceding year-causing either death or injury to persons, giving the name of the mine where, and the circumstances surrounding said accidents, and so classifying said accidents as to show what occurred through the fault or negligence of employers and those occurring through the fault or negligence of employes, and giving the results of inquests, if any have been held, in case of accidents causing death.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 214.]

AN ACT defining the duties and regulating the compensation of the official stenographer of the fourteenth judicial circuit of the State of Michigan, in the matter of filing transcripts of court proceedings in the circuit courts thereof.

Duty of stenographer to make transcript of testimony.

SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the official stenographer of the fourteenth judicial circuit of the State of Michigan, in case the counsel for either party to a suit at law or in chancery, pending in the circuit courts thereof, shall desire a transcript of the whole or a part of

the testimony or proceedings in such cause, for the purpose of moving for a new trial, or for removing said cause to the supreme court, to furnish the same within a reasonable time, and he shall be entitled to receive therefor from the party so requiring it the sum of ten cents per folio for each folio of one hundred words so transcribed, and the money so paid the stenographer shall be recovered as a part of the taxable costs of the prevailing party in such motion, or in the supreme court: *Provided, however,* That if each party to the cause or proceeding shall at the same time desire such transcript, said stenographer shall furnish the same on payment to him therefor of five cents per folio, to be paid by each party: *Provided further,* That in criminal cases, if the circuit judge shall direct a copy of the testimony or other proceedings upon any trial to be made, said stenographer shall make and file the same within a reasonable time without charge therefor, and the testimony so filed or furnished shall be deemed to be the official record of the court.

Fee for making.

Provide.

Further provide as to criminal cases.

SEC. 2. Said [such] stenographer shall have power to appoint an assistant, subject to the approval of the court, whose duties shall be subject to and whose compensation shall be paid by the official stenographer: *Provided,* The official stenographer shall have power to revoke such appointment at any time.

Assistant, appointment of, etc.

Provide.

SEC. 3. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. And in the event of the death or resignation or his removal from office or from this State of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for that county: *Provided,* That said notes shall be a part of the records in said cause, and shall be subject to inspection as other records in said cause.

Manner of making, filing, and keeping notes.

Provide.

SEC. 4. In cases tried in the circuit court in which such stenographer shall be engaged, sections one and four of an act entitled "An act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts," approved March twenty-six, eighteen hundred and sixty-nine, shall not apply.

Certain sections of certain act not to apply.

SEC. 5. All acts or parts of acts, contravening the provisions of this act, shall be construed as void and of no effect, so far as such contraventions apply to the circuit courts in and for the fourteenth judicial circuit of the State of Michigan.

Acts of no effect.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 215.]

AN ACT to make an appropriation for marking by monuments the places occupied by the first, third, fourth, fifth, seventh, sixteenth and twenty-fourth Michigan infantry, the first, fifth, sixth and seventh Michigan cavalry, the ninth battery, "I," Michigan artillery, and companies "C," "I" and "K," of the first regiment of United States Sharp-Shooters [U. S. S.], and company "B," second regiment of United States Sharp-Shooters [U. S. S.], known as Berdan's Michigan Sharp-Shooters, or any other command of Michigan volunteers who fought upon the battlefield of Gettysburg, and providing for the erection of the same.

Appropriation
and purpose of.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty thousand dollars be and the same is hereby appropriated from any moneys in the State treasury not otherwise appropriated, for the purpose of erecting monuments to mark the places occupied on the battlefield at Gettysburg by the first, third, fourth, fifth, seventh, sixteenth and twenty-fourth regiments of Michigan infantry, the first, fifth, sixth and seventh Michigan cavalry, the ninth battery, "I," Michigan artillery, and company "C," "I" and "K," of the first regiment of United States Sharp-Shooters [U. S. S.], and company "B," second regiment of United States Sharp-Shooters [U. S. S.], known as Berdan's Michigan Sharp-Shooters, or any other command of Michigan volunteers, and to pay the commissioners appointed by this act to carry it into effect, who shall all be soldiers who actually fought upon the field at the battle of Gettysburg, and belonging to such regiments, to locate and erect the same, and for other necessary expenses, including clerk hire, as may, in the judgment of the commission, be actually necessary.

Governor to
appoint a
commission.

Commissioners
to determine
what.

Expense of
commission
how paid.

Report of
commission,
contents of.

Certain amount
may be paid for
improving
grounds, etc.

SEC. 2. The Governor shall, within thirty days after the passage of this act, appoint a commission consisting of three officers or soldiers mentioned in section one of this act to carry the same into effect; they shall determine the style and number of monuments, not to exceed one for each of such regiments, battery and company of sharp-shooters, to be erected as contemplated in this act, and shall, if necessary, purchase the sites therefor, and shall erect the said monuments with all convenient speed. The actual expenses of such commission shall be paid out of the fund herein appropriated, and they shall report to the Governor of the State of Michigan immediately upon the fulfillment of their duties, in detail, making an abstract of expenditures, with vouchers thereto; and all acts done or recommends made by them, together with information as gathered from their observation and pertinent in its relation thereto, shall be embraced in their report as the commission shall think proper.

SEC. 3. Five thousand dollars of the amount appropriated by section one of this act may be paid to the Gettysburg Battlefield Memorial Association for the acquisition, restoration and maintenance of important parts of the battlefield, including the

ground on which Michigan commands fought in the battle of Gettysburg, the construction, fencing and repair of avenues, and otherwise improving and preserving the field: *Provided*, That all acts and duties prescribed by this act may be done under the direction of the Gettysburg Memorial Association, if the commission in their judgment may so decide and think proper. Proviso.

SEC. 4. The Auditor General shall add to and incorporate into the State tax for the year eighteen hundred and eighty-eight the sum of twenty thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section one of this act. Tax for appropriation.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 216.]

AN ACT to authorize the circuit court for the county of Kalamazoo to appoint a crier.

SECTION 1. *The People of the State of Michigan enact*, That the judge of the circuit court for the county of Kalamazoo may, from time to time, appoint some fit and proper person to act as crier to said court, who shall hold his office during the pleasure of the judge thereof. The said crier so appointed, shall receive, upon the certificate of such judge, out of the county treasury of said county, from any money not otherwise appropriated, such sum, not to exceed three dollars per day for each day's attendance upon said court, as the board of supervisors may determine, and may, with the consent and approval of the judge of said court, appoint assistants, who shall receive upon the like certificate of such judge, like compensation, as the board of supervisors may determine. Judge to appoint crier.
Compensation of crier.
Crier may appoint assistants, compensation of.

SEC. 2. During the sessions of said court, such crier and his assistants shall possess and enjoy the power of a deputy sheriff, except that they shall not have authority or power to serve process, civil or criminal. Power of criers.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 217.]

AN ACT to amend sections five (5), six (6), and eight (8) of an act entitled "An act to provide for the appointment, defining the duties and fixing the compensation of a stenographer for the circuit court for the county of Saginaw," approved May seven, eighteen hundred and eighty-one, being sections six thousand five hundred and twenty-seven, six thousand five hundred and

twenty-eight, and six thousand five hundred and thirty of Howell's Annotated Statutes, and to add a new section to said act to stand as section thirteen.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections five (5), six (6), and eight (8) of an act entitled "An act to provide for the appointment, defining the duties and fixing the compensation of a stenographer for the circuit court for the county of Saginaw," approved May seven, eighteen hundred and eighty-one, being sections six thousand five hundred and twenty-seven, six thousand five hundred and twenty-eight and six thousand five hundred and thirty of Howell's Annotated Statutes, be amended so as to read as follows, and that a new section be added to said act to stand as section number thirteen, and to read as follows:

Compensation.

SEC. 5. The stenographer so appointed shall receive as compensation for such services the sum of two thousand dollars per annum, which sum shall be paid in monthly installments out of the county treasury, upon the order of the clerk of said court, such clerk being hereby authorized and directed to draw such orders, and the county treasurer to pay the same upon presentation: *Provided*, The circuit judge shall certify thereon that the services have been faithfully performed.

Stenographer
to furnish
testimony.

SEC. 6. In case the counsel for either party to any suit shall desire a transcript of the whole or a part of the testimony or other proceedings in any case, for the purpose of moving for a new trial, or removing it to the supreme court, or for any other reason, it shall be the duty of the stenographer so appointed to furnish the same within such time as the circuit judge shall direct, and he shall be entitled to receive therefor from the party so requiring the transcript the sum of eight cents per folio for each folio transcribed, and the money so paid the stenographer for testimony used in settling a bill of exceptions, or removing to the supreme court, may be recovered as a part of the taxable costs of the party in the supreme court; and amounts paid for transcripts of testimony used on motions for new trial may also be recovered as a part of the taxable costs, if the circuit judge shall certify that the making of such transcript was necessary to enable the court to properly determine such motion; and such transcript, when approved by the circuit judge, shall be deemed an official record of the said circuit court: *Provided*, That when ever the defendant in any criminal case is unable to pay for a transcript of the testimony in his case the circuit judge may order the same to be made by the stenographer, who shall be entitled to receive therefor the sum of five cents per folio, and the amount thereof shall become a proper charge against the county, and the stenographer may file a bill therefor with the clerk of said county, which shall be audited by the board of supervisors at their next ensuing session, and the clerk shall thereupon draw an order upon the treasurer of said county for the payment of the amount so audited, who shall pay the same out of the general fund. But such testimony as may be called for by the prosecuting attorney during the trial of any criminal case, or by the attorney

Proviso.

for the defendant, in case such defendant is unable to pay for the same, shall be furnished by said stenographer without charge:

Provided further, The circuit judge may, in his discretion, order such stenographer to make a transcript of a part or the whole of the record in any case tried in said court, when required by said judge for his own use, and such transcript shall be made by such stenographer without charge. It shall also be the duty of the stenographer to make a transcript of all testimony taken in chancery cases in open court, when required by the parties or ordered by the court, and to file such transcript with the clerk, for which services he shall receive a compensation of eight cents per folio, each party to the cause in contested cases to pay for the direct examination of his own witnesses and the cross-examination of the witnesses of the opposite party. In cases not contested such fees to be paid by the party complainant. The amount so paid by the party in whose favor the suit is decided to be recovered as a part of his taxable costs, as provided in the first clause of this section.

Further
proviso.

To furnish
transcript of
testimony
taken in
chancery cases.

SEC. 8. To make up and pay the salary specified in section five (5) of this act the board of supervisors shall appropriate annually the sum of two thousand dollars: *Provided,* That the amount already appropriated for such purpose for the year eighteen hundred and eighty-seven shall be applied on the payment of such salary for the year eighteen hundred and eighty-seven.

Board of super-
visors to appro-
priate salary.
Proviso.

SEC. 13. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. And in the event of the death or resignation or his removal from office or from this State of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for that county: *Provided,* That said notes shall be a part of the records in said cause, and shall be subject to inspection as other records in said cause.

Stenographer
to prefix to
notes of testi-
mony name of
witness, etc.

Proviso.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 218.]

AN ACT providing for the employment, defining the duties and fixing the compensation of a stenographer for the seventh judicial circuit, State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That a stenographer for the circuit courts for the seventh judicial circuit shall be appointed by the Governor, on the certificate of the

Governor to
appoint
stenographer.

judge of said court that the business of said court is such as to render the employment of a stenographer desirable.

Shall be deemed
an officer of the
court, etc.
Proviso.

SEC. 2. The person so appointed shall be deemed an officer of the court and shall hold the office during the pleasure of the Governor: *Provided*, The court shall have power to suspend him for misconduct, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded. If such suspension shall not be rescinded within thirty days after the order, the office shall be deemed vacant, and it shall thereupon be the duty of the Governor, on receiving notice of such vacancy from the presiding judge to fill the same by appointment.

When Governor
may appoint
successor.

SEC. 3. In case of the death or resignation of the stenographer, or of his inability to serve, from any cause, the Governor shall appoint a successor to the office on receiving notice of such from the presiding judge. But in case of sickness or temporary absence of the stenographer the judge may appoint some competent person to act in his absence.

Duties of
stenographer.

SEC. 4. It shall be the duty of the stenographer so appointed to attend upon the court at each term, under the direction of the court, and to take full stenographic notes of the testimony and other proceedings in the trial of each issue of fact before the court or jury. Said stenographer shall receive as a compensation for such services the sum of eighteen hundred dollars per annum, which sum shall be paid in monthly installments, as hereinafter provided, out of the county treasury of the counties composing said circuit in proportion to the number of suits, law and chancery, entered and commenced in the circuit for such counties, respectively, the preceding year, upon the order of the clerk of said court, said clerk being hereby authorized and directed to draw such orders and the county treasurer to pay the same upon presentation.

Shall furnish
copy of
testimony, etc.

SEC. 5. In case counsel for either party shall desire a copy of the testimony given in any trial for the purpose of moving for a new trial, preparing a bill of exceptions, or removing the cause to the supreme court, it shall be the duty of the stenographer so appointed to furnish the same written out in plain, legible English within a reasonable time, and he shall be entitled to demand and receive therefor from the party so requiring it the sum of eight cents per folio for the first three hundred folios, and six cents per folio for all folios above three hundred folios: *Provided, however*, That where two copies of said testimony are required at the same time he shall furnish the same at the rate of six cents per folio for the first three hundred folios, in each copy, and for all folios above three hundred folios, in each copy, at the rate of five cents per folio for each folio so transcribed, and the amount so paid shall be recovered as a part of the taxable costs by the prevailing party in such motion or in the supreme court: *Provided*, That in any criminal case the court may, on the request of the prosecuting attorney, or the counsel for the defense, order the stenographer to make a transcript of the testimony and proceed-

Proviso.

Proviso.

ings in said case, said transcript when so made on the request of counsel for defendant and order of the court to be paid for by the county at the rate herein established for transcripts in civil cases, and when made on the request of the prosecuting attorney and order of the court the same shall be without any charge whatever: *And further provided*, That if the judge shall direct he shall make and file a copy of the testimony without fee or charge to any person, and the testimony so furnished or filed shall be deemed the official record of the court. Further proviso.

SEC. 6. The stenographer so appointed shall have the power to appoint an assistant, subject to the approval of the court, whose duties shall be subject to and whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have the power to revoke such appointment at any time. Assistant stenographer.

SEC. 7. To make up and pay the salary specified in section four of this act the boards of supervisors of the counties composing said circuit shall annually appropriate the sum of eighteen hundred dollars for such purpose, which sum shall be appropriated by said counties according to and in proportion to the number of suits, law and chancery, entered and commenced in the circuit court for such counties, respectively, the preceding year; and it shall be the duty of the circuit judge on the first day of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his circuit on the basis aforesaid. Board of supervisors to appropriate salary.

SEC. 8. Each and every issue of fact tried before the court or jury in which the stenographer shall be employed shall be taxed three dollars, the same to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him paid into the county treasury, to apply upon the payment of the salary of said stenographer hereinbefore provided, and the prevailing party shall have the amount so paid by him taxed in his costs as proper disbursements. Issue of fact to be taxed certain amount.

SEC. 9. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge. Oath of office of stenographer.

SEC. 10. In cases tried in the circuit court in which such stenographer shall be engaged sections one and four of an act entitled "An act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts," approved March twenty-sixth, eighteen hundred and sixty-nine, shall not apply. What sections, etc., shall not apply.

SEC. 11. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. Stenographer shall prefix to notes of testimony name of witness, etc.

And in the event of the death or resignation or his removal from office or from this State of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for that county: *Provided*, That said notes shall be a part of the records in said cause, and shall be subject to inspection as other records in said cause.

Proviso.
Certain acts
void, etc.

SEC. 12. All acts or parts of acts contravening the provisions hereof, in force at the time of the passage of this act, shall be construed as void and of no effect as applying to the circuit courts for the seventh judicial circuit.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 219.]

AN ACT to provide for the appointment, compensation and duties of a stenographer of the twenty-fourth judicial circuit court.

Stenographer to
be appointed by
Governor on
recommendation
of judge.

SECTION 1. *The People of the State of Michigan enact*, That a stenographer for the twenty-fourth judicial circuit shall be appointed by the Governor on the recommendation of the judge of said circuit, and on the certificate of said judge that the business of the circuit courts for said circuit is such as to render the employment of a stenographer desirable: *Provided*, That the stenographer heretofore appointed for said circuit shall not require a re-appointment, but shall continue in office subject to the provisions of this act.

Proviso.

To be officer of
court, etc.

Proviso.

When office
deemed vacant.

SEC. 2. The person so appointed shall be deemed an officer of the court, and shall hold the position during the pleasure of the Governor: *Provided*, The court shall have the power to suspend him for misconduct or failure to properly perform his duties, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded. If such suspension shall not be rescinded within thirty days after the order the office shall be deemed vacant, and it shall thereupon be the duty of the Governor, on receiving notice of such vacancy from the presiding judge, to fill the same by the appointment of a competent person, under the recommendation of said judge.

When Governor
to appoint a
successor.

SEC. 3. In case of the death or resignation of the stenographer or his inability to serve, from any cause, the Governor shall, on the recommendation of the judge of said circuit, appoint a successor to the office on receiving notice of such vacancy from said judge; but in case of sickness or temporary absence or suspension by the court [as] aforesaid of the stenographer, the judge may appoint some competent person to act in his absence or during such suspension.

SEC. 4. It shall be the duty of the stenographer so appointed

to attend upon the circuit courts for said circuit at each term, under the direction of the court, and to take full stenographic notes of the testimony and other proceedings on the trial of cases in law or in equity.

Duty of
stenographer.

SEC. 5. In case the counsel for either party shall desire a copy of the testimony given in any trial for the purpose of moving for a new trial, preparing a bill of exceptions, or removing the cause to the supreme court, it shall be the duty of the stenographer, so appointed, to furnish the same within a reasonable time, and he shall be entitled to demand and receive therefor from the party so requiring it the sum of six cents per folio for each folio so transcribed, and the amount so [paid] shall be recovered as a part of the taxable costs by the prevailing party in such motion or in the supreme court: *Provided*, That if two copies of the record are required at the same time the stenographer shall receive for each of said copies four cents per folio: *And provided further*, That if the judge shall so direct he shall make and file a copy of the testimony without fee or charge to any person, and the testimony so furnished or filed shall be deemed the official record of the court: *And provided further*, That in criminal cases the prosecuting attorney shall be entitled to a copy of the notes without charge.

When copy of
testimony to be
made for
counsel.

Compensation
for.

Proviso when
two copies
required.

Further proviso
as to copy for
prosecuting
attorney.

SEC. 6. The stenographer so appointed shall receive as a compensation for such services the sum of twelve hundred dollars per annum, which sum shall be paid in monthly installments, as hereinafter provided, out of the county treasury of the counties composing said circuit in proportion to the number of suits, law and chancery, entered and commenced in the circuit court for such counties, respectively, the preceding year, upon the order of the clerk of said court, said clerk being hereby authorized and directed to draw such orders and the county treasurer to pay the same upon presentation: *Provided*, The circuit judge shall certify thereon that said services have been faithfully performed.

Salary, how paid.

Proviso.

SEC. 7. The stenographer so appointed shall have the power to appoint an assistant, subject to the approval of the court, whose duties shall be subject to and whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have the power to revoke such appointment at any time.

Assistant.

Proviso.

SEC. 8. To make up and pay the salary specified in section six of this act the boards of supervisors of the counties composing said circuit shall annually appropriate the sum of twelve hundred dollars for such purpose, which sum shall be appropriated by said counties according to and in proportion to the number of suits, law or chancery, entered and commenced in the circuit court for such counties, respectively, the preceding year; and it shall be the duty of the circuit judge of such circuit, on the first of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his circuit on the basis aforesaid: *Provided*, That the amount already appropriated for the year eighteen hundred and eighty-seven shall be applied on the payment of such salary for the year eighteen hundred and eighty-seven.

How salary to
be appropriated
by boards of
supervisors of
the several
counties.

Proviso as to
1887.

Cases to be taxed.

SEC. 9. Each and every issue of fact tried before the court or jury in which the stenographer shall be employed shall be taxed three dollars, the same to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him into the county treasury, to apply upon the payment of the salary of said stenographer hereinbefore provided, and the prevailing party shall have the amount so paid by him taxed in his costs as proper disbursements.

Oath of office.

SEC. 10. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge.

Certain act not to apply.

SEC. 11. In cases tried in the circuit court in which such stenographer shall be engaged sections one and four of an act entitled, "An act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts," approved March twenty-sixth, eighteen hundred and sixty-nine, shall not apply.

Notes, how taken and preserved.

SEC. 12. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside and safely keep the same in his office. And in the event of the death or resignation or his removal from office or from this State of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for that county: *Provided*, That said notes shall be a part of the records in said cause and shall be subject to inspection as other records in said case.

Acts construed as void.

SEC. 13. All acts or parts of acts contravening the provisions hereof, in force at the time of the passage of this act, shall be construed as void and of no effect as applying to the circuit courts for the twenty-fourth judicial circuit.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 220.]

AN ACT to amend an act entitled "An act providing for the employment, defining the duties, and fixing the compensation of a stenographer for the circuit court for the county of Kent, State of Michigan," being act number one hundred and thirty-three of the public acts of the legislature of the year eighteen hundred and seventy-seven, and being comprised in sections six thousand five hundred and twelve to section six thousand five hundred and twenty-two, inclusive, of Howell's Annotated Statutes of this State.

SECTION 1. *The People of the State of Michigan enact,* That Act amended.
 an act entitled "An act providing for the employment, defining the duties, and fixing the compensation of a stenographer for the circuit court for the county of Kent, State of Michigan," being act number one hundred and thirty-three of the public acts of the legislature of eighteen hundred and seventy-seven, and comprising sections six thousand five hundred and twelve to section six thousand five hundred and twenty-two, inclusive, of Howell's Annotated Statutes of this State, be and the same is hereby amended to read as follows:

SECTION 1. *The People of the State of Michigan enact,* That How appointed.
 a stenographer for the circuit court for the county of Kent shall be appointed by the Governor, on the certificate of the judge of said court that the business of said court is such as to render the employment of a stenographer desirable.

SEC. 2. The person so appointed shall hold the position dur- Term of office.
 ing the pleasure of the Governor: *Provided,* The court shall have the power to suspend him for misconduct, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be revoked. If such suspension shall not be revoked within thirty days after the order the office shall be deemed vacant, and it shall thereupon be the duty of the Governor, on receiving notice of such vacancy from the presiding judge, to fill the same by appointment.

SEC. 3. In case of the death or resignation of the stenographer Death or resignation.
 or his inability to serve, from any cause, the Governor shall appoint a successor to the office on receiving notice of such from the presiding judge; but in case of sickness or temporary absence of the stenographer the judge may appoint some competent person to act in his absence.

SEC. 4. It shall be the duty of the stenographer so appointed Duty of stenographer.
 to attend upon the court at each term, under the direction of the court, and to take full stenographic notes of the testimony and other proceedings in the trial of cases, and in case the counsel for either party shall desire a transcript of the testimony or proceedings it shall be the duty of the stenographer so appointed to furnish the same, and he shall be entitled to receive therefor from the party so requiring it the sum of eight cents per folio for each folio so transcribed, and such record shall be deemed the official record of the court; and in case it shall be necessary to procure a transcript of said stenographer's notes of the testimony and proceedings in any case at law or in chancery in order to remove such case to the supreme court, and the court shall certify that the procurement of such transcript is necessary in order to prepare the record for hearing in the supreme court, then the amount of the stenographer's fees may be taxed, if the appellant shall prevail in the supreme court, as a proper disbursement; and said transcript may be used by the opposite party in proposing amendments to the record: *Provided,* That if the judge shall desire a Fees for transcript.
Proviso.

copy of the testimony and other proceedings upon any trial the stenographer shall make and file the same.

Compensation. SEC. 5. The stenographer so appointed shall receive as a compensation for such services the sum of two thousand dollars per annum, which sum shall be paid in monthly installments out of the county treasury upon the order of the clerk of said court; said clerk being hereby authorized and directed to draw such orders, and the county treasurer to pay the same upon presentation.

Power to appoint assistant. SEC. 6. The stenographer so appointed shall have the power to appoint an assistant, subject to the approval of the court, whose duties shall be subject to and whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have the power to revoke such appointment at any time.

Proviso. SEC. 7. To make up and pay the salary specified in section five of this act the board of supervisors shall annually appropriate the sum of two thousand dollars for such purpose: *Provided*, That the sum already appropriated for such purpose for the year eighteen hundred and eighty-seven shall be applied on the payment of such salary for the year eighteen hundred and eighty-seven.

Annual appropriation by board of supervisors. SEC. 8. Each and every issue of fact or law tried before the court or jury, and each and every chancery case in which the proofs are taken in open court, in which the stenographer shall be employed, shall be taxed the sum of three dollars, to be paid by the plaintiff or complainant at the commencement of such trial or hearing into the hands of the clerk, and by him paid into the county treasury of the county in which said case is tried or heard. And in case the plaintiff or complainant, as the case may be, shall succeed in said trial or hearing, the amount so paid shall be recovered by him as a part of the taxable costs.

Amount taxed on each cause tried. SEC. 9. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. And in the event of the death or resignation or his removal from office or from the State of the stenographer, said notes shall be transferred to the county clerk of the county where the same was tried, who shall receive and safely keep the same subject to the direction of the circuit court: *Provided*, That said notes shall be a part of the records in said cause, and shall be subject to inspection as other records in said cause.

Taking of notes and preservation of the same. SEC. 10. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge.

Official oath. SEC. 11. In cases tried in the circuit court in which such stenographer shall be engaged, sections one and four of an act en-

Certain sections of certain act not to apply.

titled "An act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts," approved March twenty-sixth, eighteen hundred and sixty-nine, shall not apply.

SEC. 12. All acts or parts of acts contravening the provisions hereof, in force at the time of the passage of this act, shall be construed as void and of no effect as applying to the county of Kent.

Acts not to apply to Kent county.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 221.]

AN ACT to amend section two of chapter fifty-three of the compiled laws of eighteen hundred and seventy-one, as amended by act number two hundred and seventy-nine, public acts of eighteen hundred and eighty-one, approved June eleven, eighteen hundred and eighty-one, being compiler's section nineteen hundred and eighty-six of Howell's Annotated Statutes, relative to disorderly persons, as amended by act number one hundred and thirty-six of the public acts of eighteen hundred and eighty-three, approved May thirty-one, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact, That* section two of chapter fifty-three of the compiled laws of eighteen hundred and seventy-one, as amended by act number two hundred and seventy-nine, public acts of eighteen hundred and eighty-one, approved June eleven, eighteen hundred and eighty-one, being compiler's section nineteen hundred and eighty-six of Howell's Annotated Statutes, relative to disorderly persons, as amended by act number one hundred and thirty-six of the public acts of eighteen hundred and eighty-three, approved May thirty-one, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 2. Upon complaint made on oath to any justice of the peace against any person as being a disorderly person he shall issue his warrant for the apprehension of the offender, and cause such person to be brought before such justice for trial, and if the offender shall be convicted on trial before the justice, or a jury, or if he shall plead guilty, he shall be punished by a fine not exceeding fifty dollars and the costs of prosecution, or by imprisonment in the county jail or in the Detroit House of Correction not exceeding three months, or the justice may require of the offender a recognizance, with sufficient sureties, for his good behavior for the term of three months thereafter. In all cases where a person is required to give security for good behavior the court or magistrate may require and further order that the costs of prosecution, or any part thereof, shall be paid by such person, who shall stand committed until such costs are paid, or he is otherwise legally discharged: *Provided, That* such imprison-

Apprehension of offenders, etc., and punishment upon conviction.

Security for good behavior.

Proviso as to
imprisonment.

Second conviction.

Proviso.

ment shall not exceed ninety days. In default of such sureties being found the justice shall make up, sign and file in the county clerk's office a record of conviction of such offender as a disorderly person, specifying generally the nature and circumstances of the offense, and shall, by warrant under his hand, commit such offender to the common jail of the county, there to remain until such sureties are found, or such offender be discharged, according to law, but such imprisonment shall not exceed three months. Any person who shall be convicted the second time of being a disorderly person, the offense being charged as a second offense, shall be punished by a fine not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail or the Detroit House of Correction or the State House of Correction and Reformatory at Ionia not exceeding six months; and for the third and all subsequent convictions the punishment shall be a fine not exceeding one hundred dollars and costs of prosecution, or imprisonment in the county jail or the Detroit House of Correction or the State House of Correction and Reformatory at Ionia not exceeding one year: *Provided*, That no person so convicted shall be sentenced or committed to the Detroit House of Correction unless the board of supervisors of the county where such conviction is had shall have made an agreement with the common council of the city of Detroit; or its authorized agent or officer, to receive and keep in said House of Correction any person who may be so sentenced or committed.

Approved June 22, 1887.

[No. 222.]

AN ACT to prevent crime and to punish truancy.

Certain girls
and boys
deemed truant
and disorderly
persons.

SECTION 1. *The People of the State of Michigan enact*, That any girl between the ages of ten and seventeen years, or boy between the ages of ten and sixteen years, who shall run away, or wilfully absent himself or herself from the school he or she is attending, or from any house, office, shop, farm or other place where such person is legitimately employed to labor, or shall frequent saloons or other places where intoxicating liquors are kept for sale, or shall be found lounging around the same, or shall be found lounging upon the public streets, or other public places of any city or village, against the command of his or her parent or guardian, or shall, without the permission of his or her parents or guardian, attend any public dance, skating rink or show, shall be deemed to be a truant and disorderly person.

Who to make
complaint.

SEC. 2. Upon complaint upon oath and in writing made before any justice of the peace by the parent or guardian of any girl between the ages of ten and seventeen years, or of any boy between ten and sixteen years of age, or by the supervisor of any township, or the mayor of any city, or president of any village, and in cities of over eight thousand population, by the chief of

police, that any such minor has been guilty of any of the acts specified in section one of this act, such justice shall issue his warrant for the arrest of such minor, and upon such conviction, such minor, if a boy, may be sentenced by such justice to the Reform School for boys at Lausing; and if a girl, to the State Industrial Home for Girls at Adrian; boys until seventeen years of age and girls until twenty-one years of age, unless sooner discharged according to law: *Provided*, That no person or persons shall be sent to said Reform School for boys, or the Industrial Home for Girls until the sentence therein has been submitted to and approved by the circuit judge of the circuit or the judge of probate of the county in which such conviction shall be had.

Upon conviction where to be sentenced.

Term of sentence.

Proviso as to approval of sentence.

SEC. 3. The same proceedings shall be had upon the trial of any person charged with being guilty of any of the offenses mentioned in section one of this act before the justice before whom such person is brought as are had in trials for misdemeanor, as far as the same are applicable, and the State agent for the care of juvenile offenders of the county wherein such offenders may be on trial shall have authority and take the same action in the premises as is provided by act number one hundred and seventy-one of the session laws of eighteen hundred and seventy-three of this State.

Proceedings upon trial.

Duty of State agent.

Approved June 22, 1887.

[No. 223.]

AN ACT to detach the county of Gladwin from the twenty-first judicial circuit and attach the same to the eighteenth judicial circuit.

SECTION 1. *The People of the State of Michigan enact*, That the county of Gladwin be and the same is hereby detached from the twenty-first judicial circuit and attached to the eighteenth judicial circuit,

Detached, etc.

Approved June 22, 1887.

[No. 224.]

AN ACT to provide for the appointment, fix the compensation and prescribe the duties of the stenographer of the circuit courts for the counties of Allegan and Ottawa, now comprising the twentieth judicial circuit.

SECTION 1. *The People of the State of Michigan enact*, That from and after the passage of this act the stenographer of the circuit courts of the counties of Allegan and Ottawa, now composing the twentieth judicial circuit, shall hold his office under and subject to the provisions of this act. He shall be appointed by the Governor upon the nomination of the judge thereof, and hold his office during good behavior, except that the court may

Stenographer for 20th circuit.

Appointment, etc., of.

suspend him for incompetency or misconduct and in case such suspension is not rescinded within thirty days the office shall be deemed vacant.

Deputies.

SEC. 2. Said stenographer shall have the power to appoint one or more deputies, subject to the approval of the court, whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have the power to revoke said appointment at any time, with the consent of the court.

Duties of Stenographer.

SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said court at each term, and to take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and as a compensation for such services, he shall receive the sum of nine hundred dollars per annum, which said sum shall be paid in monthly installments out of the county treasuries of the counties aforesaid. The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts of the said counties, respectively, the preceding year; and on the first of January of each year, or as soon thereafter as may be, it shall be the duty of the judge of said courts to apportion the amount of such salary to be paid by each county, respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof; and when so notified the treasurer of each of said counties shall thereafter, until a new apportionment of salary is made, pay, in monthly installments, the annual salary of said stenographer in accordance with said apportionment and notification of the circuit judge; and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

Compensation.

Amount to be paid by each county, to be apportioned by Judge.

Transcript of testimony.

SEC. 4. In case counsel for either party shall desire a transcript of the testimony or proceedings contained in said stenographer's notes, it shall be the stenographer's duty to furnish the same, and he shall be entitled to demand and receive for making such transcript the sum of ten cents per folio. And in case it shall be necessary to procure a transcript of said stenographer's notes of the testimony and proceedings in any case at law or in chancery in order to remove such case to the supreme court (and the circuit judge shall so certify), then the amount of the stenographer's fees may be taxed, if the appellant shall prevail in the supreme court, as a proper disbursement, and said transcript may be used by the opposite party in proposing amendments to the record.

Cases to be taxed.

SEC. 5. Each and every issue of fact shall be taxed three dollars, to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury, to apply upon the payment of the salary of said stenographer hereinbefore provided; and the prevailing party shall have the amount so paid by him taxed in his costs as a proper disbursement.

SEC. 6. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge, and shall be filed in the office of the county clerk in each of the counties, respectively, and whenever said stenographer shall appoint a deputy or deputies, in accordance with section two of this act, such deputy or deputies shall take and subscribe said oath in the same manner as is herein provided for the stenographer.

Official oath of stenographer.

SEC. 7. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. In the event of the death or resignation or his removal from office or from this State of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for the county: *Provided*, That said notes shall be subject to inspection as other records in said cause.

Notes, how taken and preserved.

SEC. 8. In cases tried in the said courts in which said stenographer shall be engaged it shall not be necessary for the charge of the court to be in writing, as provided by an act entitled "An act to declare and establish the practice of charging or instructing juries, and settling the law in cases tried in the circuit courts," approved March twenty-five, eighteen hundred and sixty-nine.

Act not applicable.

SEC. 9. All acts or parts of acts contravening the provisions of this act shall be construed as void and of no effect as applied to the counties of Allegan and Ottawa.

Certain acts of no effect in 20th circuit.

This act is ordered to take immediate effect.

Approved June 23, 1887.

[No. 225.]

AN ACT to provide for the appointment, fix the compensation and prescribe the duties of the stenographer of the circuit courts for the counties of Calhoun, Barry and Eaton, now comprising the fifth judicial circuit.

SECTION 1. *The People of the State of Michigan enact*, That from and after the passage of this act the stenographer of the circuit courts of the counties of Calhoun, Barry and Eaton, now composing the fifth judicial circuit, shall hold his office under and subject to the provisions of this act. He shall be appointed by the Governor upon the nomination of the judge thereof, and hold his office during good behavior, except that the court may

Stenographer, appointment of.

suspend him for incompetency or misconduct, and in case such suspension is not rescinded within thirty days the office shall be deemed vacant.

Deputy,
appointment of.

SEC. 2. Said stenographer shall have the power to appoint one or more deputies, subject to the approval of the court, whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have the power to revoke said appointment at any time, with the consent of the court.

Stenographer
an officer of
the court.

Compensation
of.

Amount to be
paid, etc., how
determined.

SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said court at each term, and to take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and as a compensation for such services he shall receive the sum of fifteen hundred dollars per annum, which said sum shall be paid in monthly installments out of the county treasuries of the counties aforesaid. The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts of the said counties, respectively, the preceding year; and on the first of January of each year, or as soon thereafter as may be, it shall be the duty of the judge of said courts to apportion the amount of such salary to be paid by each county, respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof; and when so notified, the treasurer of each of said counties shall thereafter, until a new apportionment of salary is made, pay, in monthly installments, the annual salary of said stenographer in accordance with said apportionment and notification of the circuit judge; and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

Stenographer to
furnish
transcript of
testimony.

Proviso as to
furnishing
transcript, etc.

Proviso.

SEC. 4. In case the counsel for either party of [to] any suit or proceeding at law or in equity shall desire a transcript of the whole or a part of the testimony or proceedings in any case for the purpose of moving for a new trial, or removing it to the supreme court, it shall be the duty of the stenographer of the court reporting said testimony or proceedings to furnish the same, and he shall be entitled to receive therefor from the party so requiring it, on delivery of said copy, the sum of eight cents per folio for each folio to transcribe [so transcribed], and the money so paid the stenographer shall be recovered as a part of the taxable costs of the party in such motion, or in the supreme court: *Provided, however*, That if each party to the cause or proceeding shall at the same time desire such transcript said stenographer shall furnish the same on payment to him therefor of five cents per folio, to be paid by each party: *Provided*, That in any criminal case the court may, on the request of the prosecuting attorney, or of counsel for the defense, order the stenographer to make a transcript of the testimony and proceedings in said case, said transcript, when so made, to be paid for by the county at the rate herein established for transcripts in civil cases; such transcripts shall be deemed the official record of the court: *Provided*,

further, That if the presiding judge shall direct a copy of the testimony and other proceedings upon any trial to be made for his own use, the stenographer shall make and file the same without costs to either party. All acts or parts of act contravening the provisions hereof in force at the time of the passage of this act shall be construed as avoid [void] and of no effect as applying to the circuit courts in the fifth judicial circuit of the State of Michigan.

Further
provided.

SEC. 5. Each and every issue of facts [fact] shall be taxed three dollars, to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury, to apply upon the payment of the salary of said stenographer hereinbefore provided; and the prevailing party shall have the amount so paid by him taxed in his costs as a proper disbursement.

Issue of fact,
tax of, etc.

SEC. 6. Before entering upon the duties of his office such stenographer shall take and prescribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge, and shall be filed in the office of the county clerk in each of the counties, respectively; and whenever said stenographer shall appoint a deputy or deputies, in accordance with section two of this act, such deputy or deputies shall take and subscribe said oath in the same manner as is herein provided for the stenographer.

Oath of
Stenographer.

SEC. 7. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. And in the event of the death or resignation or his removal from office or from this State of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for that county: *Provided*, That said notes shall be a part of the records in said cause, and shall be subject to inspection as other records in said case, and by re-numbering the present sections seven and eight so as to stand as sections eight and nine.

Stenographer to
prefix to
testimony name
of witness, etc.

SEC. 8. In cases tried in the said courts in which said stenographer shall be engaged it shall not be necessary for the charge of the court to be in writing, as provided by an act entitled "An act to declare and establish the practice of charging or instructing juries, and settling the law in cases tried in the circuit courts," approved March twenty-fifth, eighteen hundred and sixty-nine.

Charge of court
not necessary to
be in writing. —

SEC. 9. All acts or parts of acts contravening the provisions of this act, shall be construed as void and of no effect as applied to the counties of Calhoun, Barry and Eaton.

Acts void.

This act is ordered to take immediate effect.
Approved June 23, 1887.

[No. 226.]

AN ACT to amend section sixty-four of act number one hundred and fifty-three of the public acts of the year one thousand eight hundred and eighty-five, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved June nine, one thousand eight hundred and eighty-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section sixty-four of act number one hundred and fifty-three of the public acts of the year one thousand eight hundred and eighty-five, entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon," approved June nine, one thousand eight hundred and eighty-five, be and the same is hereby amended to read as follows:

Funds
receivable at
sale and how
disposed of.

SEC. 64. The several county treasurers shall receive on such sales such funds only as shall at the time be receivable by law at the State treasury; and all moneys belonging to the State received at such sales shall be paid into the State treasury on or before the fifteenth day of November next after the time of such sale, and the expenses of advertising and sale shall be paid therefrom on the Auditor General's warrant, and the remainder shall be placed to the credit of the general fund as received.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 227.]

AN ACT to provide for laying out and establishing a State road to connect the East Saginaw and Sauble River State road with the Tawas and Manistee State road, in the counties of Arenac, Iosco and Ogemaw, and to provide for its construction by an appropriation of swamp lands and the raising and expenditure of certain moneys therefor by the townships through which said road passes.

Commissioners
to lay out State
road.

Names and
boundaries of
road.

SECTION 1. *The People of the State of Michigan enact*, That Frank Duplanty, of Iosco county, Charles S. Kilmer, of the county of Arenac, and William Maurer, of the county of Ogemaw, be and they are hereby appointed commissioners to lay out and establish a State road to connect the East Saginaw and Sauble River State road with the Tawas and Manistee State road, said road to be known as the Arenac, Iosco and Ogemaw State road; said road to be four rods in width and to commence at a point where the said East Saginaw and Sauble River State road intersects the town line between the townships of Arenac and Au Gres

in the county of Arenac, running thence north on the town line between the townships of Arenac and Au Gres, Mason and Turner to the county line between the counties of Arenac and Iosco, thence east along said county line to the section corner of sections thirty-four and thirty-five in town twenty-one north, of range five east, thence north on the section line to the corner of sections twenty-two, twenty-three, twenty-six and twenty-seven of said town twenty-one north, of range five east of the county of Iosco, thence west on the section line to the corner of sections twenty-one, twenty-two, twenty-seven and twenty-eight in town twenty-one north, of range four east, thence north on the section line to the town line of said town twenty-one north, of range four east, and thence on such line through town twenty-two north, of range four east, along such route as said commissioners shall determine upon, to connect with the Tawas and Manistee State road.

SEC. 2. It shall be the duty of said commission within three months after this act shall take effect to lay out and establish said road, and cause the same to be surveyed, and have the survey thereof filed with each of the township clerks of the townships through which said road shall pass, and it shall be the duty of said township clerks to record the same and such record shall be *prima facie* evidence of the existence of said road.

Duty of Commissioner as to laying out State road, etc.

SEC. 3. The right of way for said road through any lands belonging to the State is hereby granted and confirmed to the counties of Arenac, Iosco and Ogemaw, where said lands may be situated. And in all cases where damages may be claimed by reason of laying out and establishing said road the same proceedings shall be had thereon as may be required by law for the assessment of damages in cases of highways laid out by a highway commissioner, and the commissioners herein named are hereby granted the same powers and are hereby required to perform the same duties that a highway commissioner has and is required to perform in obtaining the right of way for a highway.

Right of way. Damages, etc.

SEC. 4. For the purpose of constructing and improving said road there is hereby appropriated one section of State swamp land per mile of said road, for each mile now uncompleted, said State swamp land to be selected from that remaining vacant in the counties of Iosco, Arenac and Ogemaw, until the entire amount remaining vacant shall be exhausted, the balance of said appropriation, if any, to be selected from any vacant swamp land in the lower peninsula of this State in market, and to be expended by the Board of Control of State Swamp Lands under the provisions of act number one hundred and seventeen of the public acts of eighteen hundred and fifty-nine and the acts amendatory thereto except as herein otherwise provided.

Lands appropriated.

SEC. 5. The State shall not be liable for any expense or damage by reason of this act, but the townships through which said road shall pass shall pay for the survey and necessary expenses and damages awarded, if any, for obtaining the right of way therefor, and shall also pay the commissioners herein named the sum of two dollars per day each for all time necessarily spent by them

State not liable for damage, etc.

in laying out and causing said road to be constructed; and on presentation to the township boards by said commissioners of bills for labor, expenses and damages, verified by the commissioners in whose favor the bill may be, it shall be the duty of such board to audit and allow such bill.

Highway money taxes, etc., to be expended on said road.

SEC. 6. For the purpose of aiding in the construction and completion of said road it is hereby provided that the highway money taxes assessed and levied upon all land situated within one mile of each side of said road for the period of five years from and after the passage of this act, shall be, when paid into the treasuries of the various townships through which said road shall pass, paid over by such treasurers to said commissioners, to be by them expended on said road in the townships in which said taxes were assessed and collected: *Provided*, The township boards of the township through which said road passes may by a majority vote of the electors thereof issue the bonds of their respective townships in an amount not to exceed one-half of one per cent of the aggregate valuation of the above described district for the five years ending June first, eighteen hundred and eighty-seven, and to be payable in not less than five years at a rate of interest not to exceed seven per cent, and said commissioners' receipt therefor shall release such treasurer from liability.

Proviso.

Commissioners to render to supervisors account of receipts and disbursements.

SEC. 7. It shall be the duty of such commissioners to render to the boards of supervisors of the counties through which such road passes, at the annual session of said boards, a true account, on oath, of the receipts and disbursements of all such money received by them during each year from such townships, respectively.

Oath and bond of.

SEC. 8. Each said commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this State to faithfully perform the duties herein assigned to him, and file the same in the office of the county clerk of the county where said commissioner shall reside, and each of said commissioners shall execute and deliver to the county treasurer of the counties of Arenac, Iosco and Ogemaw a bond in the penal sum of two thousand dollars each, with sufficient sureties, to be approved by the county treasurer of each of said counties, conditioned for the faithful performance of their duties under this act. And it shall be the duty of said county treasurers, in case of default in the condition of said bonds, to prosecute the same in the name of said county.

In case of vacancy in office of.

SEC. 9. In case there shall occur a vacancy in the office of either of the above named commissioners, or if either of said commissioners shall neglect or refuse to act, the Governor of the State of Michigan is hereby authorized and empowered to fill such vacancy by the appointment of some suitable person, who shall qualify and perform the same duties of the commissioners named in this act.

Organization of commission.

SEC. 10. Said commissioners, after having qualified, shall organize by electing one of their number chairman, one secretary and one treasurer, whose several duties shall be the same as the duties of like officers of other boards, except as prescribed by

this act, and who shall respectively hold their offices for a period of five years.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 228.]

AN ACT to provide for the appointment, fix the compensation and prescribe the duties of the stenographer of the circuit courts for the counties of Manistee, Mason, Lake and Osceola, now composing the nineteenth judicial circuit.

SECTION 1. *The People of the State of Michigan enact, That* Term of office. from and after the passage of this act the stenographer of the circuit courts of the counties of Manistee, Mason, Lake and Osceola, now composing the nineteenth judicial circuit, shall hold his office under and subject to the provisions of this act. He shall be appointed by the Governor on the recommendation of the judge of the circuit, and hold his office during good behavior, not exceeding the term of the judge recommending his appointment, except that the court may suspend him for incompetency or misconduct, and in case such suspension is not rescinded within thirty days the office shall be deemed vacant.

SEC. 2. Said stenographer shall have the power to appoint one Appointment of deputies. or more deputies subject to the approval of the court, whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have the power to revoke said appointment at any time.

SEC. 3. Said stenographer shall be deemed an officer of the Duty of stenographer. court, and it shall be his duty to attend said courts at each term, and to take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and as a compensation for such Compensation and payment of. services he shall receive the sum of sixteen hundred dollars per annum, which sum shall be paid in monthly installments out of the county treasuries of the counties aforesaid. The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts of the said counties, respectively, the preceding year; and on the first day of January of each year, or as soon thereafter as may be, it shall be the duty of the judge of said courts to Judge to apportion amount to counties. apportion the amount of such salary to be paid by each county, respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof, and when so notified the treasurer of each of said counties shall thereafter, until a new apportionment of salary is made, pay, in monthly installments, the annual salary of said stenographer in accordance with said apportionment and said notification of the circuit judge, and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

Transcript of
testimony, and
fee for making.

SEC. 4. In case counsel for either party shall desire a transcript of the testimony or proceedings contained in said stenographer's notes it shall be the stenographer's duty to furnish the same, and he shall be entitled to demand and receive for making such transcript the sum of ten cents a folio, and in case it shall be necessary to procure a transcript of said stenographer's notes of the testimony and proceedings in any case in order to remove said case to the supreme court, and the circuit judge shall certify, then the amount of the stenographer's fees may be taxed, if the appellant prevail in the supreme court, as a proper disbursement: *Provided*, That in case a criminal case is taken to the supreme court, and the prosecuting attorney desires a transcript of the stenographic notes of said case, the stenographer shall furnish the same free of costs.

Proviso.

Cases to be
taxed.

SEC. 5. Each and every issue of fact tried and contested shall be taxed three dollars, to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury, to apply upon the payment of the salary of said stenographer, hereinbefore provided, and the prevailing party shall have the amount so paid to him taxed in his costs as a proper disbursement.

Official oath.

SEC. 6. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge, and shall be filed in the office of the county clerk in each of the counties respectively.

Manner of
taking and
preserving
notes.

SEC. 7. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. In the event of the death or resignation or his removal from office or from this State of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for the county: *Provided*, That said notes shall be a part of the records in said cause and shall be subject to inspection as other records in said cause.

Certain acts of
no effect.

SEC. 8. In cases tried in the said courts in which said stenographer shall be engaged it shall not be necessary for the charge of the court to be in writing, as provided by an act entitled "An act to declare and establish the practice of charging or instructing juries, and in settling the law in cases tried in the circuit courts," approved March twenty-six, eighteen hundred and sixty-nine.

Acts construed
as void.

SEC. 9. All acts or parts of acts contravening the provisions of this act, in force at the time of the passage of this act, shall be construed as void and of no effect as applied to the counties of

Manistee, Mason, Lake and Osceola.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 229.]

AN ACT establishing a lien for labor and services upon lumber, shingles, logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle-bolts, stave-bolts, staves, cord-wood, pulp-wood, hop-poles, hoop-poles, veneering wood and all other forest products, and to repeal act number one hundred and forty-five of the session laws of eighteen hundred and eighty-one, entitled "An act establishing a lien for labor and services upon logs, timber, cedar posts, telegraph poles, railroad ties, tan-bark, shingle-bolts and staves, and to repeal act number one hundred and eighty-five of the session laws of eighteen hundred and seventy-three, entitled 'An act establishing a lien for labor and services upon logs and timber, as amended by act number two hundred and fifty-three of the public acts of eighteen hundred and seventy-nine.'"

SECTION 1. *The People of the State of Michigan enact, That* Lien on lumber, timber, etc., for labor performed.
any person or persons who perform any labor or services in manufacturing lumber or shingles in or about any lumber or shingle mill, or in cutting, skidding, falling, hauling, scaling, banking, driving, running, rafting or booming any logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle-bolts, stave-bolts, staves, cord-wood, pulp-wood, hop-poles, hoop-poles, veneering wood or any other forest products in this State, shall have a lien thereon for the amount due for such labor or services, and the same shall take precedence of all other claims or liens thereon. The word person or persons in this section shall be Words person or persons, how interpreted.
interpreted to include cooks, blacksmiths, artisans and all others usually employed in performing such labor and services.

SEC. 2. No such debt, demand or claim shall remain a lien Statement of lien, how made and filed.
on any of the above mentioned products unless a statement thereof in writing, made under oath by the claimant, or some one in his or her behalf, shall be filed in the office of the clerk of the county in which such labor or services were performed: Proviso.
Provided, When a lien is claimed for work and labor performed in running or driving said logs, timber, cedar posts, telegraph poles, railroad ties, tan-bark, shingle-bolts, stave-bolts, staves, cord-wood, pulp-wood, hop-poles, hoop-poles or veneering wood, then said statement shall be filed in the office of the clerk of the county where the drive terminates.

SEC. 3. Such statement shall briefly What statement to set forth.
set forth and state the nature of such debt, demand or claim, the amount due claimant as near as may be, over and above all legal set-offs, and a description of the product or property upon or against which the lien is claimed; and such statement may be in the following form:

Form of.

The statement of lien made under oath of for work and labor performed by in manufacturing, cutting, skidding, hauling, banking, scaling, running, driving, rafting or booming (as the case may be), the following described property, to-wit: (here insert the description of the product or property upon which a lien is claimed), that the last day's work of said labor was done on the day of, 18...; and said labor was performed in the county of, and that said described property, or a portion of the same, is now situated in the county of, State of Michigan, and that there is now due claimant for said work and labor, over and above all legal set-offs, the sum of, as near as may be, for which said sum a lien is claimed upon said described property.

Subscribed and sworn to before me this day of 18...

Claimant.

When filed.

Proviso.

SEC. 4. The statement of lien shall be filed within thirty days after the completion or last day of such labor or services: *Provided*, That any sale or transfer of the products upon which the lien is claimed during the time limited for the filing of such statement of lien and previous to the filing thereof, or during the time limited for the enforcement of the same, shall in no way affect such lien, but such lien shall remain and be enforced against such product in whosoever possession the same shall be found.

Lien, how enforced.

SEC. 5. Any person or persons having a lien upon or against any of the said products may enforce the same by attachment against any of such products in the circuit and justice courts of the county in which said products, or any portion of the same, may be situated at the time of commencement of suit, and such suit may be commenced to enforce such liens, if the same be due, immediately after the filing of such statement, and such lien-claim shall cease to be a lien upon the property named in such statement unless suit be commenced within three months after the filing of such statement. In all such suits the person, company or corporation liable for the payment of such debt or claim shall be made the party defendant.

Attachment,
how served, etc.

SEC. 6. The attachment shall require the sheriff, or other proper officer, to attach and safely keep the property or products described in the writ, or so much thereof as is necessary to satisfy the claim of the plaintiff, with all costs and disbursements, charges and expenses, and said attachment shall also require the said sheriff, or other proper officer, to summons the defendant therein named to appear before said court at the time and place therein specified the same as ordinary writs of attachment in circuit and justice's courts; and any such attachment or other process issued out of said courts of this State in pursuance of the provisions of this act, may be served in any county of this State, and if the defendant in said attachment is not the owner of the property or products described in said writ, then the officer ex-

executing said writ shall serve or cause to be served a copy of said attachment on or before the return day mentioned in said writ upon the owner of said products, or any of them, their proper agent or attorney, if such owner, agent or attorney be known to him, and residing in this State: *Provided*, That no sheriff or other officer shall seize upon and detain any such property or products when in transit from the place where banked or deposited for shipment on the railroad, or for floatage in the stream or streams, or for transportation on the waters of this State when such place of destination is within this State; but in case such products are in transit, or are in possession of any booming company, or other person or corporation for the purpose of being driven or sorted and delivered to the owners, or to satisfy any statutory lien, then levy and attachment of said property or products may be made by serving a copy of said attachment upon the person or corporation driving or holding the same, who shall from the time of such service, be deemed to hold the same both on their own behalf and in behalf of said sheriff or other officer to the extent of said attachment lien until the same can be driven and sorted out; and when driven or sorted out said sheriff or other officer may receive said products from said person or corporation, and the statutory lien of said person or corporation shall not be released by the holding of said sheriff or other officer; and in case of sale by the sheriff or other officer on execution, and when the proceeds of sale shall not be sufficient to satisfy all liens in full, then such proceeds shall be distributed *pro rata* to all parties in interest, under the special order and direction of the court having jurisdiction in said attachment: *Provided further*, If the owner of said products, or any person in their behalf, shall make, execute and file with the clerk of the circuit court, or before the justice of the peace where said attachment is pending, a good and sufficient bond in a sum double the amount claimed in said writ, signed by two freeholders and approved by said clerk or by said justice of the peace, running to the plaintiff in said writ and conditioned for the payment of all damages, costs, charges, disbursements and expenses that may be recovered by said plaintiff against defendant that may be found to be a lien upon or against the products described in said writ, and upon the approval and filing of said bond the said clerk or justice, as the case may be, shall issue an order to the officer having in charge such products, directing their release, and upon the service of a copy of said order upon said officer he shall release the same.

Proviso as to seizure of property.

Further proviso.

SEC. 7. No attachment shall be issued under the provisions of this act in any of the circuit courts of this State unless the amount claimed in said writ and affidavit for said work or labor, over and above all legal set-offs, shall be the sum of one hundred dollars and upwards; but in case two or more persons shall have claims for labor and services against any products in less sums than one hundred dollars each, and when such claims shall have accrued against the same person or persons, it shall be lawful for two or more persons claiming such lien to unite their claims

No attachment shall be issued when claim is under one hundred dollars, etc.

either before or after filing statement of liens, and designate one of their number their agent or attorney for prosecuting such lien, or any suit necessary to enforce the same, and claims when thus united shall be received and be treated as one lien, and suit or attachment may be brought as for one claim and concluded as one cause or suit, and the person so designated as such agent or attorney shall be named in such suit or attachment as plaintiff, and when said suit or attachment shall be commenced in the circuit courts of this State, the writ of attachment may be in the following form:

Form of writ of attachment.

In the name of the people of the State of Michigan, to the sheriff of the county of-----, we command you to attach the following goods and chattels, to-wit: (here insert a description of the property upon which a lien is claimed), or so much thereof as shall be sufficient to satisfy the sum of -----, with interest, costs, disbursements, charges, and expenses of suit, in whosoever possession the same may be found, and so provide that the same so attached may be subject to further proceedings as the law requires; and also summon-----, defendant, if he be found in this State, to appear before the circuit court of ----- county, at ----- on the ----- day of ----- (same day on which writs in personal actions may be returnable), to answer -----, to his damage of ----- dollars; and in case the above named defendant is not the owner of said described products, you are then also commanded to serve, or cause to be served, a copy of this writ on or before the return day above mentioned upon the owner of said products, or his proper agent or attorney, if such owner, agent or attorney be known to you, and residing in this State.

Witness, etc.

Affidavit, etc., to be annexed to writ.

SEC. 8. Such writ when issued out of said circuit court shall not be executed unless the plaintiff, or some one in his behalf, shall make and annex thereto an affidavit, stating that the defendant named therein is indebted to the plaintiff in said writ, specifying the amount of such indebtedness, as near as may be, over and above all legal set-offs, and such affidavits shall also show that such indebtedness is due for and on account of such labor and services on such products mentioned in said writ, as entitles the plaintiff to a lien thereon, and that a statement of lien as by this act required has been duly filed. Said affidavit may be in the following form:

Form of affidavit.

STATE OF MICHIGAN, } ss.
COUNTY OF-----

----- being duly sworn says that defendant in the annexed writ is indebted to -----, the plaintiff named in said writ, in the sum of ----- as near as may be, over and above all legal set-offs, and the same is now due for work and labor performed by ----- in manufacturing, cutting, hauling, banking, driving, running, rafting, or booming (as the case may be), the property mentioned in the annexed writ. That the last day's work of

said labor was done on the day of, 18...., and that the said property described in the annexed writ (or a portion of it) is now situated in the county of, State of Michigan, and that a statement of lien required by law was on the day of, 18...., duly filed with the clerk of the county of, where said labor was performed.

 "Subscribed and sworn to," etc.

SEC. 9. Justices of the peace within their respective counties shall have cognizance and jurisdiction of all cases arising under this act when the amount claimed, over and above all legal set-offs, does not exceed three hundred dollars, and any person and persons having such lien shall be entitled to proceed by attachment in justices' courts against the property on which he, she or they may have such lien for the enforcement of the same, and the writ of attachment, when issued by any said justice of the peace, may be in the following form:

STATE OF MICHIGAN, } ss.
 COUNTY OF.....

When justice of the peace may have jurisdiction, etc.
 Form of writ when issued by justice of the peace.

To any Constable in said County, Greeting: In the name of the people of the State of Michigan you are commanded to attach the following goods and chattels (here insert a description of the property described in the required affidavit), or so much thereof as shall be sufficient to satisfy the sum of, with interest, costs, disbursements, charges and expenses of suit, in whosoever possession the same may be found, and so provide that the same so attached may be subject to further proceedings as the law requires; and also summon....., if he be found in this State, to be and appear before me, at my office in said on the day of, 18...., at o'clock in the noon, to answer to to his damages of three hundred dollars or under, and in case the above named defendant is not the owner of the said described logs, timber, posts, ties, poles, bolts, bark or staves, you are then also commanded to serve, or cause to be served, a copy of this writ on or before the return day above mentioned upon the owners of said products, or his proper agent or attorney, if such owner, agent or attorney be known to you, and residing in this State.

Given under my hand at the }
 of county aforesaid, the }
 day of, 18....

Justice of the Peace.

SEC. 10. Before any justice of the peace shall issue any such writ of attachment the plaintiff or person claiming such lien, or some one in his behalf, shall make and file with such justice of the peace an affidavit stating that the defendant, or person owing the debt or claim, is indebted to plaintiff, specifying the amount of such indebtedness, as near as may be, over and above all legal set-offs, and that such indebtedness is due for and on account of

Affidavit to be filed with justice of the peace.

such labor or services on such products as entitle plaintiff to lien thereon, describing as particularly as may be the property on which such lien is claimed, and also stating that plaintiff has filed his statement of lien as herein required. Upon the filing of such affidavit with said justice of the peace said writ of attachment shall issue, and no further or other affidavit shall be necessary, and no bond shall be required. Such affidavit may be in the following form:

Form of affidavit.

STATE OF MICHIGAN, } ss.
COUNTY OF

..... being duly sworn, says that defendant is indebted to plaintiff in the sum of, as near as may be, over and above all legal set-offs, for work and labor performed by in manufacturing, cutting, hauling, skidding, falling, scaling, banking, driving, running, rafting or booming (as the case may be), the following named property (here insert a description of the products upon which a lien is claimed), that the last day's work of said labor was done on the day of, 18...., in the county of, and the said described property, or a part of it, is now situated in the county of, State of Michigan, and that a statement of lien required by law was on the day of, 18..., duly filed with the clerk of the county of, where said labor was performed.

"Subscribed and sworn to," etc.

Writs of attachment, how returned.

SEC. 11. All writs of attachment issued under the provisions of this act by any of the circuit or justice courts of this State shall be served and returned as ordinary writs of attachment are served and returned in said courts, respectively, except as herein otherwise provided; and the pleadings and all subsequent proceedings shall be the same as in other cases of attachment, except as herein otherwise provided. The declaration in all suits brought under this act may be in the following form:

Declaration.

TITLE OF COURT AND CAUSE.

Form of.

COUNTY OF, ss.

Whereas, ..., the defendant herein, has been duly summoned to appear in this cause to answer the plaintiff herein in an action of assumpsit for labor and services done and performed by, plaintiff, for said defendant, in manufacturing, cutting, skidding, scaling, falling, hauling, banking, driving, running, rafting or booming (as the case may be) the following described property, to wit: (here insert the same description of property as set forth in writ) for which said labor and services there is now due said plaintiff the sum of, for which said amount a claim of lien has been duly filed with the clerk of the county of, being the county in which said labor was performed, and the said defendant on the day of, 18..., in consideration of the premises undertook and promised the plaintiff to pay him the said sums of money on

request; yet the said defendant has neglected so to do, or any part thereof, to the plaintiff's damage of -----, and therefore he brings suit, etc., and claims a lien upon said described property for said amount.

SEC. 12. In all suits on attachments prosecuted under the provisions of this act, the court, jury, or justice of the peace who shall try the same or make an assessment of damages therein, or make an inquest therein, shall, in addition to finding the sum due the plaintiff, also find that the same is due for labor and services performed upon the products described in the declaration, and is a lien upon the same, and the court or justice of the peace, as the case may be, shall render judgment in accordance with such finding, and execution shall issue therefor, and such execution, in addition to the commands in ordinary executions, shall command that the said products, or so much thereof as shall be necessary for that purpose, be sold to satisfy such judgment and all costs, charges and disbursements: *Provided, however,* That if the court, jury, or justice of the peace shall find that the amount due the plaintiff is not a lien upon the property described in the declaration, the plaintiff shall not be non-suited thereby, but shall be entitled to judgment as in other civil actions; but in such case said plaintiff shall not recover or tax any costs arising from the filing of the statement of lien, nor for officers' fees, or expenses arising from the service of said writ of attachment, or expenses incurred relative to the property seized; and in those cases where the amount due is found to be a lien upon the property (or any portion of it) mentioned in plaintiff's declaration, the finding or verdict may be in the following form: (the court, justice, or jurors, as the case may be) ----- say ----- that there is due the plaintiff the sum of ----- dollars from said defendant, and that the same is due for work and labor performed by ----- in manufacturing, cutting, skidding, scaling, driving, running, hauling, banking, rafting or booming (as the case may be) the property mentioned in plaintiff's declaration (or a portion of it, specifying the same) and the [that] plaintiff has a lien upon said described property for said amount.

Finding of the court, jury, etc.

Provido.

Finding or verdict, form of.

SEC. 13. Any person owning or claiming any of said products, and not a party to said suit, may, upon application, show such ownership or interest at any time before verdict in said suit, and may appear and defend the same as if made parties originally to said cause; and the proceedings for the enforcement of the lien provided for in this act are intended as an additional remedy, and do not prevent the collection of the claim by the ordinary common law provisions, and no action or lien under the provisions of this act shall be defeated by the taking of a note or other evidence of indebtedness, unless it is expressly taken in discharge of the account due and the lien.

When person claiming any of said products may show such interest, etc.

SEC. 14. The officer making the attachment may pay the boomage or storage on such products during the time that he shall have the custody thereof by virtue of such writ of attachment, not exceeding the usual or going rate per thousand feet on

Boomage of storage on product, by whom paid, etc.

the quantity actually attached by him, and return the amounts so paid on the writ, which shall be included and taxed in the bill of costs or disbursements, but if paid after judgment then the officer may charge and collect the same out of the property, as other costs or disbursements.

County clerk to
file applications,
etc.

SEC. 15. The clerk of the proper county shall receive and file all applications or statements of lien authorized by this act, for which he shall receive twenty-five cents, and when demanded shall give a certified copy thereof; for making and certifying said copy he shall be entitled to the same compensation per folio as is allowed registers of deeds for making copies of records, and any such certified copy shall be received in evidence in the courts of this State the same as the originals.

Act repealed.

SEC. 16. Act number one hundred and forty-five of the session laws of eighteen hundred and eighty-one, entitled "An act establishing a lien for labor and services upon log, timber, cedar posts, telegraph poles, railroad ties, tan-bark, shingle-bolts and staves, and to repeal act number one hundred and eighty-five of the session laws of eighteen hundred and seventy-three, entitled 'An act establishing a lien for labor and services upon logs and timber, as amended by act number two hundred and fifty-three, of the session laws of eighteen hundred and seventy-nine,'" be, and the same is hereby repealed: *Provided, however,* That all lien suits, actions and proceedings accruing or taken under said act number one hundred and forty-five shall not be affected by the passage of this act, but shall proceed the same as though this act was not passed.

Proviso.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 230.]

AN ACT to amend section nine of article two of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, being an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," being compiler's section three thousand three hundred and twenty-three of Howell's Annotated Statutes, as amended by act number one hundred and seventy-seven, session laws of eighteen hundred and seventy-seven, and act number one hundred and sixteen, public acts of eighteen hundred and eighty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section nine of article two of act number one hundred and ninety-eight, of the session laws of one thousand eight hundred and seventy-three, being an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to

regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning or operating any railroad in this State," being compiler's section three thousand three hundred and twenty-three of Howell's Annotated Statutes, as amended by act number one hundred and seventy-seven, session laws of one thousand eight hundred and seventy-seven, and act one hundred and sixteen, public acts of eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

(§3323.) SEC. 9. Every such corporation shall possess the general powers and be subject to the liabilities and restrictions following; that is to say:

Powers and liabilities of corporation.

First, To cause such examinations and surveys for the proposed railroad, or railroad tunnel, to be made as may be necessary to the selection of the most advantageous route for the railroad, or railroad tunnel, and for such purposes, by its officers, agents and servants to enter upon lands or waters of any person or company, but subject to liability for all damages which they shall do thereto;

To make surveys, etc.

Second, To receive, hold and take such voluntary grants and donations of real estate and other property as shall be made to it to aid in the construction, maintenance and accommodation of such road, or railroad tunnel; but the real estate thus received by voluntary grants shall be held and used for the purposes of such grant only;

To receive grants of property.

Third, To purchase and by voluntary [grants and] donations receive and take, and, by its officers, engineers, surveyors and agents, enter upon, take possession of and hold and use, all such lands and real estate, franchises and other property as may be necessary for the construction, maintenance and accommodation of its railroad, or railroad tunnel, stations, depots and other accommodations; but the same shall not be appropriated until the compensation to be made therefor is agreed upon by the parties, or ascertained as herein prescribed, be paid to the owners or deposited as hereinafter directed, unless the consent of such owner be given therefor;

To purchase and hold property for constructing road, etc.]

Fourth, To lay out its road, not exceeding one hundred feet in width, and to lay out its tunnel, and its tunnel approaches not exceeding two hundred feet in width, and to construct the same, and for the purpose of cuttings and embankments, and for procuring stone, gravel, or other material, or for the purpose of draining its road-bed or tunnel, to take, in the manner herein provided, such further lands adjacent to and in the vicinity of its road or tunnel as may be necessary for the proper construction, operating and security of its road or tunnel;

To lay out and construct road.

Fifth, To construct its railroad upon or across, or its railroad tunnel under any stream of water, water-course, private road, street, lane, alley or highway, and across or under any plank road, railroad or canal which the route of its road or railroad tunnel shall lie along or intersect; but the corporation shall restore the stream, water-course, private road, street, alley, lane, highway,

Construction across or under streams, etc.

Road crossings, etc.	plank road, railroad or canal to its former state, as near as may be, but shall not materially obstruct the navigation of any stream, nor obstruct any public highway or street by cars or trains for more than five minutes at any one time; and shall construct suitable road and street-crossings for the passage of teams by fitting down planks between and on each side of the rails of such road, the top of which shall be at least one-half inch higher than the top of the rails of such road; and in case of the construction of such railway upon any public street, lane, alley or highway the same shall be on such terms and conditions as shall be agreed upon between the railroad company and the common council of any city, or the village board of any village, or the commissioners of highways of any township in which the same may be; but
Construction upon streets, etc.	such railway shall not be constructed upon any public street, lane, alley, highway or private way, until damages and compensation be made by the railroad company therefor to the owner or owners of property adjoining such street, lane, alley, highway or private way, and opposite where such railroad is to be constructed, either by agreement between the railroad company and each owner or owners, or ascertained as herein prescribed for obtaining property or franchises for the purposes of its incorporation, to be paid to the owner thereof, or deposited as hereinafter directed;
Compensation to adjacent owners.	<i>Sixth,</i> To cross, join and unite its railroads with any other railroad now or hereafter constructed, under any law whatever, at any point on its route, and upon the grounds of such other railroad now or hereafter constructed, with the necessary turn-outs, sidings and switches, and other accommodations and conveniences in furtherance of the objects of its connections; and to make all such business arrangements as said companies may agree upon; and every company whose railroad shall be intersected by any other railroad shall unite with the owners of such other railroads in forming such intersections and connections, and grant facilities for the same as hereinafter provided;
To unite, etc., with other roads, etc.	<i>Seventh,</i> To take, transport, carry and convey persons and property on their said road or through such tunnel, by the force and power of steam, animals, or any mechanical power, or by any combination of them, and to receive tolls and compensation therefor: <i>Provided,</i> That in transporting freight by the car, loaded by the shipper and unloaded by the consignee, no railroad company shall charge for transporting each of such cars more than eight dollars for any distance not exceeding ten miles, nor more than fifty cents per mile for the second ten miles, nor more than twenty-five cents per mile for the third ten miles; and for distances exceeding thirty miles, in no case shall the charge between any two points on the said railroad exceed the minimum charge on the entire line. This provision shall not apply to the Upper Peninsula, nor to any company operating less than fifteen miles of railroad;
Transport persons, etc.	<i>Eighth,</i> To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures and machinery for the accommodation and use of their passengers, freight and business, and to obtain and hold all the lands necessary therefor;
Proviso as to charges on certain freight.	
To erect depots, etc.	

Ninth, To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for transporting any passenger and his or her ordinary baggage, not exceeding in weight one hundred pounds, shall not, except on railroads operating less than twenty miles of road, exceed the following prices, viz: For a distance not exceeding five miles, four cents per mile; for all other distances not exceeding three cents per mile; and no fare shall be less than five cents, and that amount, in any case, may be charged and collected; and the price of tickets may, for convenience in making change, be fixed for that multiple of five which is nearest the exact amount of the fare in each case, as fixed by the foregoing rates: *Provided*, That in the Upper Peninsula five cents per mile may be charged and collected on all railroads: *And provided further*, That the provisions of this act shall not apply to the Paw Paw railroad: *And provided further*, That the provisions of the ninth subdivision of this act shall not apply to any tunnel built in pursuance of the provisions of this act.

To regulate time and manner of transportation and compensation.

Provisos.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 231.]

AN ACT to provide for the drainage and reclamation of swamp land by means of a ditch from Little Black Lake, in the county of Muskegon, to Lake Michigan, and to make an appropriation of State swamp land therefor.

SECTION 1. *The People of the State of Michigan enact*. That the Board of Control of State Swamp Lands be and are hereby authorized to appropriate three sections of State swamp land not otherwise appropriated, or so much thereof as may be necessary, for the purpose of laying out, opening and constructing a ditch or drain from Little Black Lake, in the county of Muskegon, by the most feasible route, to Lake Michigan.

State swamp land appropriated.

Purpose of.

SEC. 2. Said ditch or drain shall be laid out, opened and constructed under the provisions of law in relation to the construction of State swamp land roads and ditches, and the work shall be fully completed within two years from the passage of this act.

How and when ditch to be completed.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 232.]

AN ACT to incorporate engineering societies.

SECTION 1. *The People of the State of Michigan enact*, That corporate societies may be organized under the provisions of this act for the mutual benefit and instruction of their members in

For what purposes corporate societies may be organized.

the science and art of surveying, and of civil, mechanical and mining engineering, and for the collecting, preserving and publishing of such information pertaining thereto, and the accumulating of such property, books, maps, papers, documents, articles, instruments and machines as tend to illustrate the same, or which may have any historical value in relation therewith:

Proviso. *Provided*, That no two societies incorporated under this act shall assume the same name.

Who may incorporate and how. SEC. 2. Any seven or more persons of full age who may desire to become incorporated for the purpose set forth in section one, may execute under their hands and seals, and acknowledge before some person or persons within this State authorized to take the acknowledgment of deeds, duplicate articles of association, one copy whereof shall be filed and recorded in the office of Secretary of State, and the other copy, having had the certificate of the Secretary of State that it is a true transcript from the records in his office, shall be retained by such society or association, and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate for the purposes set forth in such articles.

When a body corporate.

Articles of association, what to contain. SEC. 3. The articles of association shall contain, in addition to the requirements of section two:

First, The name of such corporation and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years: *Provided*, That the location of the office of any such corporation, when not in Lansing, shall be at the place of business of its secretary, upon filing notice of his location with the Secretary of State;

Proviso.

Second, The objects for which it is organized, which shall be stated with reasonable certainty;

Third, The number of its directors and regular officers, and the time and place for holding its annual meeting;

Fourth, Whether it is a State or local association, and if a local association, what territory is embraced in its membership;

Fifth, If it is to have any capital stock, then the amount of such capital, the number of shares of such stock and the amount of stock paid in.

Who may call first meeting. SEC. 4. When any corporation shall be formed under this act any three of those associated may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof by publishing the same in some newspaper at least fifteen days before the time appointed for such meeting.

Proceedings at first meeting. SEC. 5. At such first meeting the associate members shall proceed by adopting such rules and regulations as they may deem for the best interests of such corporation not inconsistent with the laws of this State, and elect their officers, whose term of office shall be one year, or until their successors are elected and qualified.

SEC. 6. The secretary of each society incorporated under this

act shall transmit to the State Librarian a report of the transactions of said society, including copies of papers read at its meetings or contributed by its members, on or before the end of the month of September in each year.

Approved June 24, 1887.

[No. 233.]

AN ACT to authorize the sale in certain cases of land devised or bequeathed by will without power of sale.

SECTION 1. *The People of the State of Michigan enact*, That whenever any person shall be seized or possessed of any lands, tenements or hereditaments devised to such person for life with power of appointment by will, or of any lands, tenements or hereditaments devised to such person in trust without power of sale, the circuit court in chancery for the county where such property is situated may, on the petition of such person, order that such lands, tenements and hereditaments be sold under the direction of the court.

Report, etc., of societies to be transmitted to State Librarian.
Circuit court may order sale, etc.

SEC. 2. Every conveyance made by the person so seized pursuant to such order of said court shall be as good and effectual in law, and shall convey the same title, as if the same were made by such person being seized of the title in fee to such lands, tenements and hereditaments.

Conveyances made pursuant to order to be effectual.

SEC. 3. For the purpose of obtaining such order of sale the person so seized of such lands, tenements or hereditaments shall file his petition in the circuit court in chancery for the county where such property is situated, setting out the facts, under oath, and the names, residences and interests of all persons who are or may be interested in said property so far as the same is known to the petitioner, and praying that the lands, tenements and hereditaments therein described may be sold, and that the proceeds thereof may be invested under the order of the court, and thereafter treated as real property and subject to the same disposition as would have been made of said property had the same not been sold.

Petition for order to sell, what to contain.

SEC. 4. Said court shall thereupon enter an order requiring all persons interested in said property to appear before said court at a time to be therein named and show cause, if any exists, why the prayer of said petition should not be granted, which order shall be returnable not less than four weeks nor more than eight weeks from the date thereof. And a copy of such order shall be published once in each week for three successive weeks preceding the return day thereof in a newspaper printed and circulated in the county where such property is situated, and in the county in which the petitioner resides, and in such other place or places as the court may direct: *Provided*, That when such application shall be made by any trustee, a copy of such notice shall also be personally served upon the *cestui que* trust at least ten days before the return day thereof.

Duty of court to make order.

Copy of order to be published, etc.

Provido.

Who may appear, etc.

SEC. 5. Upon the return day of such order any person interested may appear and show cause against the granting of the prayer of the petition, and proofs may be taken and a hearing had in such manner as the court may direct, and if it shall satisfactorily appear to the court that the interests of the persons owning or interested in such property will be substantially promoted by the sale of the same on account of the said property being exposed to waste or dilapidation, or on account of its being unproductive, or for any other peculiar reasons or circumstances, then, in such case, it shall thereupon order that such property be sold under its direction, and that the proceeds stand in lieu thereof.

When sale may be ordered.

When petitioner may make conveyance.

SEC. 6. All sales made in pursuance of such order shall be reported to the court, and when confirmed the petitioner shall execute a conveyance of the property, which shall be as good and effectual in law, and shall convey the same title as if the person making the same were seized of the title in fee to such lands, tenements and hereditaments.

Petitioner to give bonds.

SEC. 7. Upon the making of an order of sale, as aforesaid, the petitioner shall give such bond, in such penalty and with such sureties, and in such form as the court shall direct, which bond shall run to the register of the court for the use and benefit of any person who may be or become interested in such lands, tenements or hereditaments, or their proceeds, conditioned for the investing of and accounting for the proceeds of such lands, tenements and hereditaments, and for the observance of all orders of the court in relation thereto.

Investment of proceeds from sale.

SEC. 8. Upon the confirmation of such sale, the proceeds thereof shall thereafter stand in lieu of said property, and the court shall make such order as to the investment thereof as may be necessary. And from time to time thereafter such further orders may be made upon the application of any person interested as the circumstances may require.

When no sale, etc., shall be made.

SEC. 9. No sale or conveyance of any kind shall be made of any property contrary to any specific provisions in regard thereto contained in the will under which the petitioner holds the said property.

Approved June 24, 1887.

[No. 234.]

AN ACT making an appropriation of State swamp lands to aid in improving the channel of Maple river, in the counties of Clinton and Gratiot.

State swamp land appropriated.

SECTION 1. *The People of the State of Michigan enact, That for the purpose of aiding in improving the channel of Maple river, in the counties of Clinton and Gratiot, and opening, widening and deepening the same, to the end that a large territory now periodically submerged may be reclaimed, and the sanitary condition of the adjacent lands improved, there shall be and hereby is*

appropriated fifteen sections of State swamp lands, in market, in the Lower Peninsula, the same to be expended under the supervision of the Board of Control of State Swamp Land, as herein-after provided. By whom to be expended.

SEC. 2. Said lands, or any part or parts thereof, when selected, shall be withheld from sale from and after the time the commissioner appointed to superintend said improvement, or the contractor to whom the job of making said improvement shall be let, shall notify the Commissioner of the State Land Office of the selection of the same, or any such part or parts, and shall be withheld from sale for the entire time fixed by this act in which to complete said improvement. Lands to be withheld from sale.

SEC. 3. The improvement contemplated by this act, and for which said appropriation is made, is such as may and shall be constructed under act number two hundred and twenty-seven of the session laws of eighteen hundred and eighty-five, by the appointment of a special drain commissioner to construct a drain affecting lands lying in more than one county; and the appropriation hereby made is upon the express condition that such improvement be completed within five years from the passage of this act. What improvements contemplated by this act.

SEC. 4. Upon the filing with the Commissioner of the State Land Office a certificate of appointment of a special commissioner to superintend said improvement, made by the probate court making such appointment, together with a certificate of such commissioner that said improvement is completed, and setting forth the name of the contractor or other person to whom the lands hereby appropriated should be patented, the lands hereby appropriated shall be patented to such contractor or other person as shall be designated in the certificate of said special commissioner. When to be completed.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 235.]

AN ACT making an appropriation of swamp land for the construction of a drain in the townships of Wisner and Gilford, Tuscola county.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of constructing a dredge-cut or drain, beginning at the Quanicassee river, on section thirty-two, in the township of Wisner, to section twelve in the township of Gilford, in the county of Tuscola, a distance of six and one-half mile [miles], and for the purpose of drainage, public health, and reclamation, the Board of Control of State Swamp Lands [is hereby directed and required to appropriate not to exceed twenty sections of State swamp lands] in the Lower Peninsula, not otherwise appropriated, to aid in the construction of said dredge-cut or drain. Directed to appropriate lands, and purpose of.

To be under
contract of.

SEC. 2. The appropriation aforesaid, and the expenditure thereof, and the improvement therein [herein] contemplated shall be under the supervision and direction of said board of control.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 236.]

AN ACT to amend sections seven and thirty-six of article two of act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning and operating any railroads in this State," approved May first, eighteen hundred and seventy-three, as amended, being compiler's sections three thousand three hundred and twenty-one and three thousand three hundred and fifty of Howell's Annotated Statutes of the State of Michigan, as amended by act number one hundred and seventy-four of the public acts of eighteen hundred and eighty-three, approved June seven, eighteen hundred and eighty-three.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections seven and thirty-six of article two of an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning and operating any railroads in this State," approved May first, eighteen hundred and seventy-three, as amended, being compiler's sections three thousand three hundred and twenty-one and three thousand three hundred and fifty of Howell's Annotated Statutes of the State of Michigan, as amended by act number one hundred and seventy-four of the public acts of eighteen hundred and eighty-three, approved June seven, eighteen hundred and eighty-three, be amended so as to read as follows:

Map of route,
etc.

SEC. 7. Every such company proceeding to construct a part of its road into or through any county named in its articles of association, or which shall have been so constructed, shall make a map of such part of the route intended to be adopted by such company, or which shall have been adopted, giving also the location of the points selected for crossing any other railroad, which shall be certified by a majority of the directors and approved by a board consisting of the Commissioner of Railroads, Attorney General and Secretary of State, and filed in the office of the register of deeds of such county. If such route cross the road of any other railroad company said board shall give at least ten days' notice to the general manager or general superintendent of such other company when and where said board will consider the

Notice in case of
crossing other
railroads, etc.

question of approving such map, and shall permit such other company, if it so desire, to be heard in opposition to such approval, and at the time of approving said map said board may determine the place where and the manner in which said crossing shall be made, whether at grade or otherwise, and if at grade, what safeguards shall be provided by the company desiring to make such crossing to protect against accidents thereat. The said board shall approve such map within thirty days from the time it is presented to it by said company, or within the said thirty days shall file in the office of the Commissioner of Railroads written reasons for the disapproval of said map, or any part thereof, and serve a copy of said reasons upon said company. The route so adopted, or any part thereof, may be changed by the company as often as found expedient before it has fully completed its road thereon: *Provided*, That any such change shall be approved by said board and a new map showing the new route adopted shall be made, certified, approved and filed as aforesaid: *And provided further*, That two members of said board, of which the Commissioner of Railroads shall be one, shall constitute a quorum for the transaction of business: *And provided further*, That the Secretary of State and Attorney General, when serving as members of said board or board of consolidation, as provided for by this act, shall receive five dollars per day and expenses incurred while actually engaged in such service, to be paid for by the railroad companies interested therein.

Board to determine manner, etc., of crossing and approve map.

Proviso.

Further proviso.

Further proviso.

SEC. 36. If after the determination, as provided for in section seven of this act, the companies cannot agree upon the terms upon which the said crossing shall be made, the company so desiring may acquire the right to make the same by condemnation in the same manner as prescribed by the act for obtaining title to real estate or other property and as provided in this act therefor.

Terms on which crossing to be made, how determined.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 237.]

AN ACT to provide for the appointment, fix the compensation, and prescribe the duties of the stenographer of the circuit courts for the counties of Branch and St. Joseph, now comprising the fifteenth judicial circuit.

SECTION 1. *The People of the State of Michigan enact*, That from and after the passage of this act the stenographer of the circuit courts of the counties of Branch and St. Joseph, now composing the fifteenth judicial circuit, shall continue to hold his office under and subject to the provisions of this act. He shall be appointed by the Governor upon recommendation of the circuit judge of said court, and hold his office during the period of six years, except that the court may suspend him for

Stenographer to remain in office.

How appointed and term of office, etc.

incompetency or misconduct, and in case such suspension is not rescinded within thirty days the office shall be deemed vacant.

Duty of stenographer.

SEC. 2. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said courts at each term and to take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and as a compensation for such services he shall receive the sum of fifteen hundred dollars per annum, which sum shall be paid in monthly installments out of the county treasuries of the counties aforesaid. The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts, both of law and in chancery, of the said counties, respectively, the preceding year; and on the first day of January of each year, or as soon thereafter as may be, it shall be the duty of the judge of said courts to apportion the amount of such salary to be paid by each county, respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof, and when so notified, the treasurer of each of said counties shall thereafter, until a new apportionment of salary is made, pay, in monthly installments, the annual salary of said stenographer, in accordance with said apportionment and said notification of the circuit judge, and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

Compensation.

Amount to be paid by each county.

Judge to apportion.

Transcripts of testimony to be furnished by stenographer.

Fees for transcript, when to be taxed.

SEC. 3. In case counsel for either party shall desire a transcript of the testimony or proceedings contained in said stenographer's notes it shall be the stenographer's duty to furnish the same, and he shall be entitled to demand and receive for making such transcript the sum of eight cents a folio, and in case it shall be necessary to procure a transcript of said stenographer's notes of the testimony and proceedings in any case, in order to remove said case to the supreme court, and the circuit judge shall so certify, then the amount of the stenographer's fees may be taxed, if the appellant prevail in the supreme court, as a proper disbursement. In case the court or prosecuting attorney shall desire a transcript of the testimony or proceedings in any criminal case it shall be the duty of the stenographer to furnish the same without charge.

When transcript to be furnished without fees.

Issue of fact cases to be taxed.

SEC. 4. Each and every issue of fact, either at law or in chancery, shall be taxed three dollars, to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury, to apply upon the payment of the salary of said stenographer hereinbefore provided, and the prevailing party shall have the amount so paid to him taxed in his costs as a proper disbursement.

Oath of office.

SEC. 5. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge, and shall be filed in the office of the county clerk in each of the counties, respectively.

SEC. 6. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. And in the event of the death or resignation or his removal from office or from this State of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for that county: *Provided*, That said notes shall be a part of the records in said cause, and shall be subject to inspection as other records in said case. Manner of taking and preserving notes. *Provided*.

SEC. 7. In cases tried in the said courts in which said stenographer shall be engaged it shall not be necessary for the charge of the court to be in writing, as provided by an act entitled "An act to declare and establish the practice of charging or instructing juries, and settling the law in cases tried in the circuit courts," approved March twenty-six, eighteen hundred and sixty-nine. Certain act inoperative when stenographer employed.

SEC. 8. All acts or parts of acts contravening the provisions of this act, in force at the time of the passage of this act, shall be construed as void and of no effect as applied to the counties of Branch and St. Joseph. Certain acts void, etc.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 238.]

AN ACT to provide for the appointment, fix the compensation and prescribe the duties of the stenographer of the circuit courts for the counties of Mecosta and Newaygo, now composing the twenty-seventh judicial circuit.

SECTION 1. *The People of the State of Michigan enact*, That from and after the passage of this act the stenographer of the circuit courts of the counties of Mecosta and Newaygo, now composing the twenty-seventh judicial circuit, shall hold his office under and subject to the provisions of this act. He shall be appointed by the Governor on the recommendation of the judge of the circuit, and hold his office during good behavior, not exceeding the term of the judge recommending his appointment, except that the court may suspend him for incompetency or misconduct; and in case such suspension is not revoked within thirty days the office shall be deemed vacant. Stenographer to remain in office. *Appointment of stenographer, etc.*

SEC. 2. Said stenographer shall have the power to appoint one or more deputies, subject to the approval of the court, whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have the power to revoke said appointment at any time. Deputy stenographer.

Duty of stenographer.	SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said court at every term and to take full stenographic minutes of the testimony and proceedings upon the trial of every issue of fact tried before the court
Compensation.	with or without a jury, at law or in chancery, and as a compensation for such services he shall receive the sum of twelve hundred dollars per annum, which sum shall be paid in monthly installments out of the county treasuries of the counties aforesaid.
Amount to be paid by each county.	The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts of said counties, respectively, the preceding year; and on the first day of January of each year, or as soon thereafter as may be, it shall be the duty of the judge or judges of said courts to apportion the amount of such salary to be paid by each county, respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof. And when so notified the treasurer of each of said counties shall thereafter, until a new apportionment of salary is made, pay, in monthly installments, the annual salary of said stenographer, in accordance with said apportionment and said notification of the circuit judge, and the receipts [receipt] of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid: <i>Provided</i> , That during the year eighteen hundred and eighty-seven the amount to be paid by the county of Newaygo shall be at the rate of five hundred dollars per annum, and the amount to be paid by Mecosta county shall be the amount ascertained by the apportionment aforesaid.
Judge to apportion amount.	
County treasurer to pay monthly.	
Proviso.	
Duty of stenographer to furnish transcript of testimony.	SEC. 4. In case counsel for either party shall desire a transcript of the testimony or proceedings contained in said stenographer's notes it shall be the stenographer's duty to furnish the same, and he shall be entitled to demand and receive for making such transcript the sum of eight cents a folio; and in case it shall be necessary to procure a transcript of said stenographer's notes of the testimony and proceedings in any case in order to prepare the same for removal to [the] supreme court, and the circuit judge shall so certify, then the amount of the stenographer's fees may be taxed in the supreme court in favor of the prevailing party as a proper disbursement: <i>Provided</i> , That when necessary on the part of the people, and upon the request of the court or the prosecuting officer of either of the counties aforesaid, said stenographer shall copy his notes of the trial of any criminal case free of charge within a reasonable time after being so requested.
Fee for transcript, when taxed.	
Proviso as to when no fee to be paid.	
Issue of facts to be taxed.	SEC. 5. Each and every issue of fact shall be taxed three dollars, to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury, to apply upon the payment of the salary of said stenographer hereinbefore provided, and the prevailing party shall have the amount so paid by him taxed in his costs as a proper disbursement.

SEC. 6. Before entering upon the duties of his office such

stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge of said courts, respectively, and shall be filed in the office of the county clerk of the county in which the same shall be taken. Official oath.

SEC. 7. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. In the event of the death or resignation or his removal from office or from this State of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for the county: *Provided*, That said notes shall be a part of the records in said cause, and shall be subject to inspection as other records in said cause. Manner of taking and preserving notes. Provided.

SEC. 8. In cases tried in the said courts which shall be reported by said stenographer it shall not be necessary for the charge of the court to be in writing, as provided by an act entitled "An act to declare and establish the practice of charging or instructing juries, and in settling the law in cases tried in circuit courts," approved March twenty-sixth, eighteen hundred and sixty-nine. Not necessary for charges of the court to be in writing.

SEC. 9. All acts or parts of act contravening the provisions of this act, in force at the time of the passage of this act, shall be construed as void and of no effect as applied to the counties of Mecosta and Newaygo. Act void as applied to Mecosta and Newaygo counties.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 239.]

AN ACT making an appropriation for the erection and equipment of a suitable building for the use of the Mining School at Houghton, in the Upper Peninsula of Michigan, including all permanent fixtures, heating and lighting apparatus, and etc.

SECTION 1. *The People of the State of Michigan enact*, That the sum of seventy-five thousand dollars be and is hereby appropriated from the general fund in the State treasury, thirty thousand of which shall be available during the year eighteen hundred and eighty-seven, and payable out of any moneys in the treasury not otherwise appropriated, and forty-five thousand dollars during the year eighteen hundred and eighty-eight for the purpose of erecting and equipping a suitable building, including all permanent fixtures, heating and lighting apparatus, etc., for the use of the Mining School at Houghton, in the Upper Peninsula of Michigan, established under act number seventy of the Appropriation and purposes of.

session laws of eighteen hundred and eighty-five, entitled "An act to establish and regulate a Mining School in the Upper Peninsula," approved May one, eighteen hundred and eighty-five.

Location for building, how obtained.

SEC. 2. As soon as the thirty thousand dollars made payable out of the State treasury by section one of this act shall be made available, as heretofore provided, the board of control shall, as in section four of said act number seventy, proceed to obtain a suitable location for said building, by donation, and proceed, as hereinafter provided, to erect a suitable building, and to equip the same for the accommodation of said school, as contemplated in said section.

Plan, specification, etc.

SEC. 3. Said board of control shall provide and adopt plans, specifications and estimates for the grounds, building, machinery and fixtures for such school, including all permanent fixtures, heating and lighting apparatus, etc., of such form, style, power and dimensions as when completed and equipped will not exceed in cost the sum of seventy-five thousand dollars, and deposit a certified copy of such plans and specifications with the Auditor General.

When deposited.

Advertising for proposals.

SEC. 4. Said board of control shall, as soon as they have secured a site and adopted such plans, specifications and estimates, advertise for a time, not less than four weeks, in such papers as they may select, in this State, for proposals for constructing and equipping said building in accordance with the plans and specifications heretofore mentioned. All contracts for labor and materials to be used in the erection and construction of said Mining School building and for equipping the same, requiring an expenditure of more than five hundred dollars, shall be let to the lowest responsible bidder or bidders; and advertisements of the letting of such contracts shall be published as above provided before the time for opening bids; the advertisements thus provided for to specify the time and place when the bids or proposals made in pursuance thereof shall be opened. All bids or proposals thus made shall be sealed, and shall not be opened at any time or place other than that designated in the advertisement. All or any bids or proposals received by said board of control may be by them rejected, and whether accepted or rejected shall, after decision thereon by said board of control, be deposited in the office of the Secretary of State. No contract made by the board of control for the erection of said building shall be binding until approval by the Governor, in writing, shall be endorsed thereon. When so approved the contract shall be filed with the Auditor General, who shall file the same in his office, and shall make and certify a copy thereof, and deliver such copy to the said board of control.

Contracts, to whom to be let, etc.

Proposals, etc., when deposited.

Approval and filing of contract.

Board of control to reserve certain per cent on payments to contractors.

SEC. 5. In letting contracts said board of control shall not obligate the State to pay any contractor any money other than that to which said contractor may be justly entitled by reason of labor or materials already furnished and supplied, and in no event shall more than eighty-five per cent of the amount called for in any contract be paid to the contractor named therein before the completion of his contract and its acceptance by the board of

control: *Provided*, That every contractor performing service or work, or furnishing materials under this act, shall enter into such bonds, with sureties, for the proper performance of his contract, as shall be required by said board of control and approved by the Governor.

Provide as to bonds of contractor.

SEC. 6. The said board of control may employ the architect whose plans they may adopt, to superintend, under their direction, the erection and construction of said Mining School building herein provided for, and before entering upon the discharge of his duties he shall take the oath of office prescribed by the constitution and laws of this State, and give bond for the faithful performance of the duties of his office in the penal sum of ten thousand dollars; or if, in their judgment, the work can be more economically done by the employment of some suitable persons [person] to superintend the work of construction under plans and specifications furnished, they may employ such person.

Architect may be employed.

Board may employ superintendent of construction.

SEC. 7. Each of the members of said board of control shall be entitled to receive his actual expenses made in the discharge of his duties under this act and act number seventy, hereinbefore referred to, and the architect or person employed as provided for in the preceding section, and the treasurer of said board of control shall receive a reasonable compensation for their services, to be established by the board of control and approved by the Governor, which compensation and expense shall be audited by the Board of State Auditors.

Compensation of board, architect, etc.

SEC. 8. Money for payments under this act shall be drawn from the State treasury on requisition of the board of control, signed by the president and secretary thereof, which shall be presented to the Auditor General, who shall draw his warrants on the State Treasurer therefor.

Money, how drawn from State treasury.

SEC. 9. It shall be the duty of the treasurer of said board of control to render monthly or quarterly accounts to the Auditor General and file vouchers, as required by act number seventy of the session laws of eighteen hundred and eighty-five.

Treasurer of board to render certain accounts.

SEC. 10. No member of the board of control, or other officer of the board, shall be directly or indirectly interested in any contract or contracts for the erection or construction of said building for a Mining School, or the furnishing of labor or material [materials] for the same.

Board, etc., not to be interested in contracts, etc.

SEC. 11. Said board of control are hereby authorized at any time during the year eighteen hundred and eighty-seven to draw from the general fund of the State treasury such amounts of money, not exceeding thirty thousand dollars, as they shall deem necessary for securing plans and specifications for said Mining School, and for expenditures in erecting the same. And said board of control are hereby further authorized to draw from the general fund of the State treasury at any time during the year eighteen hundred and eighty-eight such amounts, not exceeding forty-five thousand dollars, as may be necessary to complete said building and equip the same, including all permanent fixtures, heating and lighting apparatus, etc., as provided by the plans,

When board may draw the appropriation.

specifications and estimates thereof [therefor], pursuant to the provisions of act number seventy of the session laws of eighteen hundred and eighty-five.

When money to be available.

SEC. 12. No part of the money hereby appropriated shall be available until a site for said building, to be approved by the board of control, has been procured, and a clear title thereof obtained.

Tax for the appropriation.

SEC. 13. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and eighty-seven the sum of thirty thousand dollars, and for the year eighteen hundred and eighty-eight the sum of forty-five thousand dollars, to be assessed, levied and collected as other State taxes are assessed and collected, which sums, when collected, shall be credited to the general fund to reimburse it for the sums appropriated by section one of this act.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 240.]

AN ACT to legalize the re-organization of the Bridgeport Free Church association and the election of trustees and their successors in office and all the proceedings of said trustees, their books and records having been destroyed by fire.

Action of certain meetings, etc., legalized.

SECTION 1. *The People of the State of Michigan enact*, That the action of the Bridgeport Free Church association, in the county of Saginaw, at a meeting held on the nineteenth day of April, eighteen hundred and eighty-six, and at an adjourned meeting held on the twenty-sixth day of April, eighteen hundred and eighty-six, at which time the following named persons were elected trustees of said association: W. H. P. Benjamin for one year, Mrs. William Cook for two years, D. A. Pettibone for three years, Charles D. Potter for four years, and Daniel Ellis for five years; and also the corporate act according to the provisions of an act entitled "An act to provide for the incorporation of associations, conventions, conferences, or religious bodies, for literary, religious or other benevolent purposes," approved March twenty-seven, eighteen hundred and seventy-six, be and the same are hereby declared to be legal acts of said association. The said Bridgeport Free Church association and its legal successor is hereby declared to be the legal possessor of any and all property which has been or may hereafter be acquired by said association, and the trustees hereinbefore mentioned and their successors in office are declared to be the legal representatives of said association.

Association declared to be legal possessors of certain property, etc.

This act is ordered to take immediate effect.

Approved, June 24, 1887.

[No. 241.]

AN ACT to repeal act number ninety-four of the session laws of eighteen hundred and eighty-five, entitled "An act making an appropriation of State swamp lands to aid the county of Gratiot in improving the channel of Maple river, and to authorize a tax to complete the same, and to repeal act number fifty of the session laws of eighteen hundred and eighty-one, entitled 'An act to authorize the Board of Control of State Swamp Lands to make an appropriation of swamp lands to remove bars and obstructions in Maple river, in the counties of Clinton and Gratiot, approved March twenty-sixth, eighteen hundred and eighty-one,' approved May thirteen, eighteen hundred and eighty-five."

SECTION 1. *The People of the State of Michigan enact, That* Act repealed.
act number ninety-four of the session laws of eighteen hundred and eighty-five, entitled "An act making an appropriation of State swamp lands to aid the county of Gratiot in improving the channel of Maple river, and to authorize a tax to complete the same, and to repeal act number fifty of the session laws of eighteen hundred and eighty-one, entitled 'An act to authorize the Board of Control of State Swamp Lands to make an appropriation of swamp lands to remove bars and obstructions in Maple river in the counties of Clinton and Gratiot, approved March twenty-six, eighteen hundred and eighty-one,' approved May thirteen, eighteen hundred and eighty-five," be and the same is hereby repealed.

Approved June 24, 1887.

[No. 242.]

AN ACT to amend section three, chapter two hundred and five of the compiled laws of eighteen hundred and seventy-one, being compiler's section eight thousand one hundred and thirty-seven of Howell's Annotated Statutes of Michigan, relative to proceedings by and against corporations in courts of law.

SECTION 1. *The People of the State of Michigan enact, That*
section three, chapter two hundred and five of the compiled laws of eighteen hundred and seventy-one, being compiler's section eight thousand one hundred and thirty-seven of Howell's Annotated Statutes of Michigan, relative to proceedings by and against corporations in courts of law, be and the same is hereby amended to read as follows:

(§8137.) SEC. 3. Suits against corporations may be commenced by writs of summons or by declaration, in the same manner that personal actions may be commenced against individuals, and such writ or a copy of such declaration in any suit against a corporation shall be served on the presiding officer, cashier, secretary or treasurer, or any other officer or agent of such corporation, or by leaving the same at the banking house or office of such

Suits against corporations, how commenced and process served.

Proviso. corporation, and may be served in any county in the State where the plaintiff resides: *Provided*, That in any county of the State where said plaintiff may reside, other than the one wherein the principal office of such corporation may be located, a writ of attachment may be the first process against such corporation, which shall be served in the same manner as other writs of attachment issuing out of the court wherein suit is commenced, and upon the return of such service being made such corporation shall be deemed to be in court, and the like proceedings, as near as may be, shall be thereupon had as in cases of suits against individuals.

Acts repealed. All acts or parts of acts inconsistent herewith are hereby repealed: *Provided further*, That the attachment proceedings as herein provided for shall not apply to railroad companies or corporations whose right of way, or any part of the same, is within the boundaries of the State of Michigan, nor to navigation companies or corporations.

Further proviso.

Approved June 24, 1887.

[No. 243.]

AN ACT making an appropriation for the use and maintenance of the University of Michigan.

Appropriation and purposes of.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury for the [use and] maintenance of the University of Michigan the following sums, to wit: For the year eighteen hundred and eighty-seven one hundred and eight thousand three hundred and sixty-five dollars and ninety-four cents (\$108,365.94), and for the year eighteen hundred and eighty-eight forty-six thousand seven hundred dollars, for the following purposes: For repairs for the year eighteen hundred and eighty-seven the sum of five thousand dollars (\$5,000), and for the year eighteen hundred and eighty-eight the sum of five thousand dollars (\$5,000); for contingent expenses for the year eighteen hundred and eighty-seven the sum of six thousand two hundred and fifty dollars (\$6,250); and for the year eighteen hundred and eighty-eight the sum of six thousand two hundred and fifty dollars (\$6,250); for books for libraries for the year eighteen hundred and eighty-seven the sum of five thousand dollars (\$5,000); and for the year eighteen hundred and eighty-eight the sum of five thousand dollars (\$5,000); for the homœopathic college and hospital for the year eighteen hundred and eighty-seven the sum of six thousand two hundred dollars (\$6,200); and for the year eighteen hundred and eighty-seven the sum of six thousand two hundred dollars (\$6,200); for the University hospital for the year eighteen hundred and eighty-seven the sum of five thousand dollars (\$5,000); and for the year eighteen hundred and eighty-eight the sum of five thousand dollars (\$5,000); for the dental college for the year eighteen hundred and eighty-seven the sum of eight thousand dollars (\$8,000);

and for the year eighteen hundred and eighty-eight the sum of eight thousand dollars (\$8,000); for the purchase of apparatus for the department of natural philosophy for the year eighteen hundred and eighty-seven the sum of two thousand dollars, and for the year eighteen hundred and eighty-eight the sum of two thousand dollars (\$2,000); for defraying the expenses of the transportation and placing of the Rogers' collection of statuary for the year eighteen hundred and eighty-seven the sum of one thousand nine hundred and seventy-three dollars and one cent (\$1,973.01); reimbursing the University for expenses for defraying the expenses of the transportation and placing of the Chinese exhibit for the year eighteen hundred and eighty-seven the sum of one thousand seven hundred and ninety-two dollars and ninety-three cents (\$1,792.93); for the construction of a vault for the storage of chemicals for the year eighteen hundred and eighty-seven the sum of four hundred dollars (\$400); for the construction of rooms for a forge and foundry and for the equipment of the same for the year eighteen hundred and eighty-seven the sum of five thousand dollars (\$5,000); and for the year eighteen hundred and eighty-eight the sum of four thousand two hundred and fifty dollars (\$4,250); for machinery for the engineering laboratory for the year eighteen hundred and eighty-seven the sum of six thousand seven hundred and fifty dollars (\$6,750); for the construction of a building for scientific laboratories and for the equipment of the same for the year eighteen hundred and eighty-seven the sum of thirty-five thousand dollars (\$35,000); for the erection of a boiler-house, the purchase of boilers and of steam-heating connections for the year eighteen hundred and eighty-seven the sum of fifteen thousand dollars (\$15,000); for additional salaries and teaching force for the year eighteen hundred and eighty-seven the sum of five thousand dollars (\$5,000); for the year eighteen hundred and eighty-eight the sum of five thousand dollars (\$5,000).

SEC. 2. There shall be assessed upon the taxable property of the State in the year eighteen hundred and eighty-seven the sum of one hundred and eight thousand three hundred and sixty-five dollars and ninety-four cents (\$108,365.94), and in the year eighteen hundred and eighty-eight the sum of forty-six thousand seven hundred dollars (\$46,700), which sum [sums] shall be assessed, levied and collected in the same manner as other State taxes are assessed, levied and collected, and which taxes, when collected, shall be credited up to the general fund to reimburse the same for the amount drawn therefrom, as provided in section one of this act.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 244.]

AN ACT to amend section two, act one hundred and forty-eight, session laws of eighteen hundred and sixty-nine, being section one thousand seven hundred and fifty-six of Howell's

Annotated Statutes, as amended in act two hundred and sixty-one, session laws of eighteen hundred and eighty-one, relative to appointments [the appointment] of superintendents of the poor.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one thousand seven hundred and fifty-six of the general statutes of the State of Michigan, compiled and annotated by Andrew Howell, relative to the appointment of superintendents of the poor, be and the same is hereby amended so as to read as follows:

Appointment of
superintendent
of poor.

(§1756.) SEC. 2. It shall be the duty of the supervisors of each county, at their annual meeting of eighteen [hundred] and sixty-nine, to appoint three discreet electors of such county to be superintendents of the poor within the same; one for the term of one year, one for the term of two years, and one for the term of three years; and at their annual session in each year thereafter they shall appoint one superintendent, who shall hold his office for a term of three years and until his successor is appointed and qualified, and one, at least, of the superintendents so appointed shall be a resident of the place where the county seat is located: *Provided*, That in case of a vacancy caused by the death or removal of either of said superintendents, or otherwise, the supervisors shall, at their first meeting held after such vacancy occurs, appoint a successor for the unexpired term. Before entering upon the duties of his office each superintendent shall take the oath of office prescribed by the eighteen [eighteenth] article of the constitution and file the same in the office of the county clerk.

Proviso as to
vacancy.

Approved June 24, 1887.

[No. 245.]

AN ACT making an appropriation of State swamp lands for the purpose of aiding in cleaning out, deepening and improving the ditch along the State road known as the Wild Fowl and Cass City State road, in townships number fourteen and fifteen north, of range ten east.

Appropriation
of lands and
purposes of.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of improving and preserving the ditch along the State road known as the Wild Fowl and Cass City State road, in townships number [numbers] fourteen and fifteen north, of range ten east, between the village of Kilmanagh, in Huron county, and Gagetown, in Tuscola county, by cleaning out and deepening said ditch where the same has, from the burning over of said State road, become obstructed, the Board of Control of State Swamp Lands is hereby directed and required to appropriate not to exceed twenty sections of State swamp lands, not otherwise appropriated, to aid in said work. The earth removed from said ditch, pursuant to the provisions of this act, shall be placed upon said State road.

SEC. 2. The appropriation aforesaid and the expenditure thereof and the improvement herein contemplated shall be under the supervision and direction of said board of control.

To be under supervision of board of control.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 246.]

AN ACT to prevent the sale of impure, unwholesome, adulterated, or swill-milk in the State of Michigan, and to provide for inspectors.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person to sell, or expose for sale, within the State of Michigan any unwholesome, watered, adulterated, or impure milk, or swill-milk, or colostrum, or milk from cows kept upon garbage, swill, or other deleterious substance, or from cows kept in connection with any family in which there are infectious diseases.

Unlawful to sell unwholesome, etc., milk.

SEC. 2. Any person who shall violate any of the provisions of the preceding section shall be punished by a fine not to exceed one hundred dollars, or [by] imprisonment not to exceed three months, or by both such fine and imprisonment, in the discretion of the court.

Penalty for violation of act.

SEC. 3. It shall be the duty of the metropolitan police commissioners of the city of Detroit, by and with the consent and advice of the board of health of the city of Detroit, to appoint an inspector, who shall be a person of previous practical experience. Said inspector may be created captain, sergeant, or roundsman of the said police force of the city of Detroit, at the option of the board of metropolitan police commissioners.

Inspector, appointment and office of.

SEC. 4. It shall be the duty of said inspector to personally view, so far as possible, all milk exposed for sale in said city, and to visit all dairy houses, barns, or stables in said city or the county of Wayne, to inspect the same, and the animals held therein, and to visit all places where milk is kept or exposed for sale in the city of Detroit, and to inspect and ascertain the condition of said milk. He may detail any patrolman of said city to assist him in the performance of any or all of the duties enjoined on him by this act: *Provided, always*, That said inspector and any policeman so detailed shall always be subject to the provisions of the law establishing and governing the metropolitan police of said city.

Duty of.

May detail patrolman to assist. Provide.

SEC. 5. I [it] shall be the duty of said inspector, or of his assistant, to make complaint in writing before a police justice of said city of every violation of this act coming to his knowledge.

To make complaint, etc.

SEC. 6. Each and every quantity of milk sold or exposed for sale, contrary to the provisions of this act, shall constitute a separate offense.

Separate offense.

SEC. 7. Any person who shall refuse to permit the said inspector,

Penalty for refusing to allow inspection, etc.

or his assistant [assistants], to perform his duty under this act, either by refusing him entrance to his premises or by concealing any milk, or refusing to permit any milk or animal or premises wherein the animals are kept, to be viewed and inspected as herein provided, or by in any manner hindering or resisting any said inspector or assistant inspector in the performance of his duty, shall be guilty of a misdemeanor, and punished therefor.

Any city or village may appoint inspector, etc.

SEC. 8. Authority is hereby given the common council of any city, and the board of trustees or council of any village, to appoint an inspector of milk in any such city or village, and to fix their compensation, and when appointed the said inspectors of milk shall have all the powers given by section four of this act, and shall perform all the duties required of inspectors of milk as provided herein, and such other powers and duties as may be conferred or imposed by the ordinances of said cities or villages.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 247.]

AN ACT to amend section five of act number seventy-nine of the session laws of eighteen hundred and seventy-three and the acts amendatory thereof, entitled "An act to provide for the appointment of a Commissioner of Railroads, and to define his powers, duties, and fix his compensation," approved April tenth, eighteen hundred and seventy-three.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of act number seventy-nine of the session laws of eighteen hundred and seventy-three, and the acts amendatory thereof, shall be amended to read as follows:

Salary.

Place of holding office.

Deputy.

Salary of deputy.

Mechanical engineer.

SEC. 5. Said Commissioner shall receive an annual salary of twenty-five hundred dollars, payable monthly, on the warrant of the Auditor General. He shall hold his office in the State capitol at Lansing. The incidental expenses of his office, together with all actual cash outlay for railroad fares, when incurred in the service of the State, shall be audited by the Board of State Auditors. He may appoint a deputy, with the approbation of the Governor, for whose official acts such Commissioner shall be in all respects responsible, and revoke such appointment at pleasure. Such deputy shall take and subscribe the constitutional oath of office, and shall perform such duties as the Commissioner may from time to time prescribe; and in case of the death, resignation or removal of the Commissioner, shall perform the duties of Commissioner until a successor shall be appointed; and such deputy shall receive an annual salary of fifteen hundred dollars for the year eighteen hundred and eighty-three, and each year thereafter, payable monthly, on the warrant of the Auditor General. He may, also, in the same manner as the deputy Commissioner is appointed, and

under the same conditions and limitations as provided herein, appoint a mechanical engineer, whose duty it shall be, under the instructions of the Commissioner, to make technical inspections and reports of the condition and working of all air and power brakes and fixtures, automatic or safety couplers, heating apparatus, train signals and other appliances connected with the construction and running of locomotive engines and cars, also of the condition, character and working of yard and switch lamps, semaphore safety signals, switches, common and interlocking, frogs and guard rails, whether the same are blocked or otherwise treated, as required by law; also of the condition and sufficiency of bridges and other structures connected with the permanent way, and of the condition and sufficiency of all equipments, freight and passenger houses, as regards the public safety, health and convenience, and of such other matters and things as the Commissioner may deem essential to a full and thorough information as to the physical condition of the several railroad properties of the State and the proper enforcement of the police regulations enacted for the control and management of the same. Such [said] mechanical engineer shall have had at least ten years' experience in practical service as a railroad mechanic, with such general knowledge of the requirements of railroad operation as shall fit him to skillfully perform the duties imposed upon him by the provisions of this act. He shall receive an annual salary of twelve hundred dollars, payable monthly, in the same manner as the deputy Commissioner, upon the certificate of the Commissioner that the service has been performed. He shall also be paid his actual traveling and personal expenses while employed in the actual service of the State, upon the allowance of the Board of State Auditors and the certificate of the Commissioner of Railroads that said expenses have been incurred.

Duty of.

Qualification of.

Salary of.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 248.]

AN ACT to amend section three of act number one hundred and sixty-seven of the session laws of eighteen hundred and eighty-one, being an act entitled "An act to provide for the re-publication and disposition of thirty thousand copies of Robertson's 'Michigan in the War,' and such additional copies as may be required to supply the demand therefor," as amended by act one hundred and forty-three of the session laws of eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact, That* section three of act number one hundred and sixty-seven of the session laws of eighteen hundred and eighty-one, as amended by act one hundred and forty-three of the session laws of eighteen hundred and eighty-three, entitled "An act to provide for the

Section amended.

re-publication and disposition of thirty thousand copies of Robertson's 'Michigan in the War,' and such additional copies as may be required to supply the demand therefor," be amended so as to read as follows:

Who entitled to copy of work.

SEC. 3. Any person who served in any Michigan regiment, battery, or company during the late war, and has been honorably discharged, or any person who served in any regiment, battery or company from any other State, or in the regular army, or in the navy, properly accredited to the State of Michigan, and has been honorably discharged, or if any such person be dead, then his widow, if living, or if she be dead, his father, if living, and if he be dead, then the mother of any such persons, and any person who is still in the service shall be entitled to receive one copy of said work on application and identification of [to] the Adjutant General, and if the application for such copy be not made in person, by depositing with the Adjutant General thirty-two cents to cover the expense of sending such book.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 249.]

AN ACT to provide for the appointment, fix the compensation and prescribe the duties of the stenographer of the circuit courts for the counties of Bay, Arenac and Gladwin, now comprising the eighteenth judicial circuit.

Stenographer to continue in office.

SECTION 1. *The People of the State of Michigan enact*, That from and after the passage of this act the stenographer of the circuits [circuit] courts of the counties of Bay, Arenac and Gladwin, now composing the eighteenth judicial circuit, shall hold his office under and subject to the provisions of this act. He shall be appointed by the Governor upon the nomination of the judge thereof, and hold his office during good behavior, not exceeding the term of the judge recommending his appointment, except that the court may suspend him for incompetency or misconduct; and in case such suspension is not rescinded within thirty days the office shall be deemed vacant.

Appointment and term of office.

Deputies.

SEC. 2. Said stenographer shall have the power to appoint one or more deputies, subject to the approval of the court, whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have the power to revoke said appointment at any time, with the consent of the court.

Proviso.

Duty of stenographer.

SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said court at each term and to take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and as a compensation for such services he shall receive the sum of eighteen hundred dollars per annum, which said sum shall be paid in monthly installments out

Compensation.

of the county treasuries of the counties aforesaid. The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts of the said counties, respectively, the preceding year; and on the first of January of each year, or as soon thereafter as may be, it shall be the duty of the judge of said courts to apportion the amount of such salary to be paid by each county, respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof; and when so notified the treasurer of each of said counties shall thereafter, until a new apportionment of salary is made, pay, in monthly installments, the annual salary of said stenographer, in accordance with said apportionment and notification of the circuit judge; and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

Amount to be paid by each county.

Judge to apportion amount.

SEC. 4. In case counsel [counsel] for either party shall desire a transcript of the testimony or proceedings contained in said stenographer's notes it shall be the stenographer's duty to furnish the same, and he shall be entitled to demand and receive for making such transcript the sum of eight cents per folio. And in case it shall be necessary to procure a transcript of said stenographer's notes of the testimony and proceedings in any case at law or in chancery in order to remove such case to the supreme court, (and the circuit judge shall so certify,) then the amount of the stenographer's fees may be taxed, if the appellant shall prevail in the supreme court, as a proper disbursement; and each [such] transcript may be used by the opposite party in proposing amendments to the record.

Stenographer to furnish transcript of testimony, fees for.

When fees may be taxed.

SEC. 5. Each and every issue of fact shall be taxed three dollars, to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury, to apply upon the payment of the salary of said stenographer hereinbefore provided; and the prevailing party shall have the amount so paid by him taxed in his costs as a proper disbursement.

Issue of fact cases to be taxed.

SEC. 6. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge, and shall be filed in the office of the county clerk in each of the counties, respectively, and whenever said stenographer shall appoint a deputy or deputies in accordance with section two of this act such deputy or deputies shall take and subscribe said oath in the same manner as is herein provided for the stenographer.

Official oath.

SEC. 7. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them

Manner of taking and preserving notes.

upon the outside, and safely keep the same in his office. And in the event of the death or resignation or his removal from office or from this State of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for that county: *Provided*, That said notes shall be a part of the records in said cause, and shall be subject to inspection as other records in said case.

Proviso.

When judge's charge need not be in writing.

SEC. 8. In cases tried in the said courts in which said stenographer shall be engaged, it shall not be necessary for the charge of the court to be in writing, as provided by an act entitled "An act to declare and establish the practice of charging or instructing juries, and settling the law in cases tried in the circuit courts," approved March twenty-five, eighteen hundred and sixty-nine.

Acts construed as void as affecting this district.

SEC. 9. All acts or parts of acts contravening the provisions of this act shall be construed as void and of no effect as applied to the counties in the eighteenth judicial circuit.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 250.]

AN ACT to fix the salary of the private secretary of the Auditor General.

Salary fixed.

SECTION 1. *The People of the State of Michigan enact*, That the private secretary of the Auditor General shall receive an annual salary at the rate of sixteen hundred dollars, payable monthly or quarter yearly.

Acts repealed.

SEC. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 251.]

AN ACT to fix the per diem compensation of members of the State legislature from the Upper Peninsula for and during the session of eighteen hundred and eighty-seven.

Compensation fixed.

SECTION 1. *The People of the State of Michigan enact*, That in addition to the compensation, mileage, and allowance for stationery, as fixed by law for members representing the Upper Peninsula, there shall be allowed and paid two dollars per diem extra compensation during the session of the legislature of the year eighteen hundred and eighty-seven.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 252.]

AN ACT making an appropriation of State swamp lands for the purpose of opening, cleaning out, dredging and deepening Thornapple river, near the outlet of Thornapple lake, in the township of Hastings, in the county of Barry.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of opening, cleaning out, dredging and deepening the Thornapple river, near the outlet of Thornapple lake, in the township of Hastings, in the county of Barry, to the end that the large territory now periodically submerged may be reclaimed, and the sanitary condition of the adjacent lands and country thereby improved, there shall be and is hereby [hereby is] appropriated fourteen sections of State swamp lands in market in the Lower Peninsula of this State, not otherwise appropriated. Appropriation made and purpose of.

SEC. 2. Said work of opening, cleaning out, dredging, and deepening said Thornapple river as provided in section one of this act, shall be done under the provisions of the law in relation to the construction of State lands [swamp land roads] and ditches, and under the direction of the Board of Control of State Swamp Lands. How work to be done.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 253.]

AN ACT to authorize and empower the Board of Control of State Swamp Lands to make an appropriation of swamp lands to drain certain overflowed lands in Jackson county.

SECTION 1. *The People of the State of Michigan enact*, That the Board of Control of State Swamp Lands be and they are hereby authorized and empowered to appropriate not to exceed twenty sections of State swamp lands [land] in the Lower Peninsula, not otherwise appropriated, for the purpose of removing the timber and other obstructions from the channel of, and to deepen and to straighten Grand river in the townships of Blackman and Rives, in said county, and also deepening the channel of Portage river, in the townships of Blackman, Leoni, and Henrietta, in said county: *Provided*, That said expenditure shall be made in pursuance of the provisions of law relative to the construction of swamp land State roads and ditches, under the supervision of the Commissioner of the State Land Office and said Board of Control. Board of control authorized to appropriate, and purposes of. Proviso.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 254.]

AN ACT to amend section eleven of act one hundred and fifty-three of the session laws of eighteen hundred and eighty-five, approved June nine, eighteen hundred and eighty-five, entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon."

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section eleven of act one hundred and fifty-three of the session laws of eighteen hundred and eighty-five, approved June ninth, eighteen hundred and eighty-five, entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon," be and the same is hereby amended so as to read as follows:

Exceptions to
cases in pre-
ceding sections.

SEC. 11. The excepted cases referred to in the preceding section are as follows, viz.:

Proviso.

First, All goods and chattels situate in some township other than where the owner resides shall be assessed in the town where situate, and not elsewhere if the owner or person having control thereof hires or occupies a store, mill, dockyard, piling ground, place for sale of property, shop, office, mine, farm, storage, manufactory or warehouse therein, for use in connection with such goods and chattels: *Provided*, That the procuring any such property to be manufactured upon contract shall be deemed to hire a mill or manufactory within the meaning of this section;

Second, All animals kept throughout the year in some town other than where the owner resides shall be assessed to such owner, or the person in possession, in the town where kept;

Third, All shares in banks shall be assessed to their owners in the town where the bank is located: *Provided*, That shares owned by a person residing within the county where the bank is located shall be assessed in the town where he resides;

Proviso.

Fourth, Personal property of non-residents of the State and all forest products owned by residents or non-residents or estates of deceased persons shall be assessed to the owner or to the person having control thereof in the township or ward where the same may be, except that where such property is in transit to some place within the State, it shall be assessed in such place: *Provided*, All forest products in transit on the second Monday of April and thereafter found in the waters or streams of this State, or on the banks or shores of any lake, pond or stream of this State, when the same is not at the place where it is to be manufactured, shall be held to have a place of destination at the sorting grounds of the rafting and driving agents or booming company nearest the mouth of such stream, unless the contrary shall be made to appear by the owner or party having the same in charge: *Provided further*, That all lumber, logs, timber, lath, pickets, shingles, posts, cord-wood, tanbark, telegraph or telephone poles, or railroad ties, that may be piled or left in any yard, railroad reserve, or in any shed shall not be deemed in transit, but shall be assessed to the owner thereof in the township or ward where the same may

Further
proviso.

be situate at the time provided for by law for taking any assessment: *And provided further*, All forest products shall, for the purposes named in this act, be deemed in transit when severed from the realty, except property in this section otherwise provided; Further proviso.

Fifth, The personal property of minors under guardianship shall be assessed to the guardian in the town where he resides, and the personal property of every other person under guardianship shall be assessed to the guardian in the town where the ward resides;

Sixth, The personal property belonging to the estates of deceased persons, in the hands of executors or administrators, shall be assessed to them in the town and in the school district where the deceased last dwelt, until they shall give notice that the estate has been distributed to the parties interested. If such deceased was a non-resident of the State, such property shall be assessed in the town where situated, to such executors, administrators, or to the person in possession;

Seventh, Personal property under the control of a trustee or agent, whether a corporation or natural person, may be assessed to such trustee or agent, except as otherwise provided, in the town where he resides. Personal property mortgaged or pledged shall be deemed the property of the person in possession thereof and may be assessed to him;

Eighth, All personal property of any person situate upon, also all buildings situate and being upon the lands of the United States or of this State, shall be deemed personal property for the purposes of taxation and assessment, and shall be assessed as personal property to the owner or occupant thereof in the city, village or township to which such lands belong or form a part, and such buildings shall be subject to sale for taxes in the same manner as herein provided for the sale of personal property: *Provided, however*, It shall not be necessary to remove any such buildings for the purpose of sale. Proviso.

Approved June 25, 1887.

[No. 255.]

AN ACT authorizing the Board of Control of State Swamp Lands to make an appropriation of swamp lands to improve Norwegian creek, in the township of Alpena, in the county of Alpena.

SECTION 1. *The People of the State of Michigan enact*, That the Board of Control of State Swamp Lands be and they are hereby authorized, if, in their judgment, the public interest requires it, to remove, or cause to be removed, in such manner as to them may seem best, but under their direction and control, certain jams or rafts of floodwood, and to deepen the channel, where necessary, in the Norwegian creek, in the township of Alpena, in the county of Authorized to remove obstructions, etc.

Alpena, and appropriate and use for that purpose not exceeding three sections of State swamp lands, to be selected from swamp lands situated in the county of Alpena.

Examination
of work to be
done.

SEC. 2. The said Board of Control shall cause an examination by one of their own number, or otherwise, of the work to be done, and to report to said board thereon the necessity of doing such work, and the estimated cost thereof, before the first day of July, eighteen hundred and eighty-seven.

Duty of Board
to advertise
for proposals.

SEC. 3. It shall be the duty of said Board of Control, on or before the first day of August, eighteen hundred and eighty-seven, if upon such examination they shall deem such work necessary, to advertise for sealed proposals for the doing of said work, stating in the notice that the work is to be paid for in State swamp land, situated in the county of Alpena, which notice shall be published once a week for six successive weeks in two newspapers printed and published in said county of Alpena.

Authorized
to appropriate
lands.

SEC. 4. For the purpose of carrying out the provisions of this act the Board of Control of State Swamp Lands is hereby authorized to appropriate not to exceed three sections of State swamp lands, of six hundred and forty acres each, to be selected from the State swamp lands in the county of Alpena: *Provided*, That if at the time the selection of lands is made under this act there shall not be remaining in said county sufficient swamp lands, then selection may be made in any other county in the Lower Peninsula.

Proviso.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 256.]

AN ACT to amend section one of act number one hundred and twenty-four, session laws of eighteen hundred and sixty-nine, entitled "An act to revise and consolidate the several acts relating to the protection of game, and for the better preservation of elk, deer, birds and wild fowl," approved April third, eighteen hundred and sixty-nine, and all subsequent amendments of said section, the same being section two thousand one hundred and ninety eight, Howell's Annotated Statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number one hundred and twenty-four, session laws of eighteen hundred and sixty-nine, entitled "An act to revise and consolidate the several acts relating to the protection of game, and for the better preservation of elk, deer, birds and wild fowl," approved April third, eighteen hundred and sixty-nine, and all subsequent amendments of said section, being compiler's section two thousand one hundred and ninety-eight, Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

(§2198.) SECTION 1. No person or persons shall pursue or hunt or kill any deer in this State save only from the first day of November to the first day of December, inclusive, in each year: *Provided*, That in the Upper Peninsula deer may be killed between the first days of October and the fifteenth day of November only, in each year; or kill at any time any deer when it is in its red coat, or any fawn when it is in its spotted coat, or have in his possession the skin of such deer or fawn in the red or spotted coat; and the having in his possession [of] the skin of such deer or fawn shall be *prima facie* evidence of such illegal killing. No person shall at any time kill or capture any deer in the waters of any of the streams, ponds or lakes within the jurisdiction of this State, or kill or capture any deer by means of any pit, pitfall or trap. Nor shall he make [use] of any artificial light in hunting such deer. No person shall make use of a dog in hunting, pursuing or killing deer within the boundaries of this State, and any dog pursuing or killing a deer or following upon the track of a deer is hereby declared to be a public nuisance and may be killed by any person when so seen, and the owner of such dog shall [have] no recourse at law against the person so killing such dog. No person shall kill or destroy by any means whatever or attempt to take or destroy any wild turkey at any time except in the months of October, November and December of each year, or kill or destroy by any means whatever any woodcock or any partridge or muffed [ruffed] grouse, or any wild duck, wild goose or other wild water fowl or snipe, save only from the first day of September in each year to the first day of January next following. The taking, carrying or sending by any means whatever into or through any county of this State or any of the game or animals which have been killed or captured contrary to the provisions of this section, or the hide of such animals, shall be illegal, and is declared to be an offense against the provisions of this act in any county in or through which such game, animals or hides may be taken, and such offense may be punished as provided in section six of this [the] act hereby amended.

When deer may be killed, etc.

Provido.

Evidence of violation of act.

Artificial lights, dogs, etc., not to be used in hunting deer.

When other game may be killed.

Evidence of violation of act.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 257.]

AN ACT to amend section ten, chapter three hundred and forty-three of act number two hundred and one of the session laws of eighteen hundred and eighty-one, being section nine thousand eight hundred and thirty-six of Howell's Annotated Statutes of eighteen hundred and eighty-two, relative to the State Industrial Home for Girls.

SECTION 1. *The People of the State of Michigan enact*, That section ten, chapter three hundred and forty-three of act number two hundred and one of the session laws of eighteen hundred

Section amended.

and eighty-one, being section nine thousand eight hundred and thirty-six of Howell's Annotated Statutes of eighteen hundred and eighty-two, relative to the State Industrial Home for Girls, be amended so as to read as follows:

Who may be
received into
school.

SEC. 10. From and after the time said institution shall be prepared for the reception of inmates, every girl over the age of ten years and under the age of seventeen years, who shall be convicted before any court or magistrate of competent jurisdiction, of being a disorderly person, or of any offense not punishable by imprisonment for life, shall (except in cases deemed incorrigible), be sentenced to said Industrial Home until she shall reach the age of twenty-one years, if such court or magistrate shall deem the girl so convicted a fit subject to be committed to said Industrial Home. The board of control shall have authority to make rules reducing the term for which such girl shall have been sentenced, as a reward for good conduct. It shall be the duty of all courts and magistrates sentencing girls to said Home, to certify to the keeper of said Home, the age of the person so committed, as nearly as can be ascertained by testimony taken under oath before such court or magistrate, or in such manner as the court or magistrates shall direct.

Courts to
certify to age
of persons sent
to school.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 258.]

AN ACT to regulate and govern the State House of Correction and branch of the State Prison in the Upper Peninsula.

How governed.

SECTION 1. *The People of the State of Michigan enact*, That the State House of Correction and branch of the State Prison in the Upper Peninsula shall be maintained, and in which persons sentenced thereto shall be confined, employed at hard labor, and governed for the purpose of punishment and reformation, in the manner hereinafter provided.

Board of control, appointment of.

SEC. 2. The government and control of said prison shall be vested in a board of control to consist of three members, to be appointed by the Governor, by and with the advice and consent of the Senate; one to serve for two years, one to serve for four years, and one to serve for six years, as may be designated by the Governor at the time of their appointment, and at the expiration of the term their successors shall be appointed in like manner for the term of six years. Whenever a vacancy occurs in the board otherwise than by the expiration of a term, such vacancy shall be filled by the Governor for the remainder of the term, by and with the advice of the Senate, if in session. If the Senate is not in session, the appointment shall continue until the next session of the Senate.

Terms of office.

Vacancy, how filled.

Officers of the prison.

SEC. 3. The officers of said prison shall consist of a warden, who shall be the principal keeper, one deputy warden, one clerk,

one chaplain, one physician, who is a surgeon, and as many keepers and guards as the warden and board may deem necessary. Each of said officers, before entering upon the duties of his office, shall take and subscribe the official oath prescribed in the constitution, and file the same with the Auditor General. Oath of office.

SEC. 4. The Governor, by and with the advice of the Senate, shall appoint a warden for such prison, who shall, from practical experience, possess the ability and qualifications necessary to successfully carry on the industries of the prison, and who possesses the executive ability essential to the proper management of the officers and other employes under his jurisdiction, and to enforce and maintain proper discipline in every department. The warden shall hold office for four years unless removed for cause; and in no case shall the warden be removed for political or partisan reasons. The term of the warden first appointed shall end April one, eighteen hundred and ninety-one, unless sooner removed. On or before the first day of February, eighteen hundred and ninety-one, and every fourth year thereafter, the Governor, by and with the advice of the Senate, shall appoint a warden for such prison, whose term shall begin on the first day of the following April, and hold his office for four years, unless sooner removed. No warden shall be removed except for cause, and in no case shall any appointment be made for political or partisan reasons. Warden, appointment and qualification of. Term of office. How removed.

SEC. 5. The chaplain, clerk, and physician shall be appointed by the board, and shall hold office during the pleasure of the board; and the deputy warden and all other officers and employes of the prison shall be appointed by the warden of the prison, subject to the approval of the board, and shall hold their office during the pleasure of the warden appointing them. By whom appointed.

SEC. 6. The warden shall reside at the prison of which he has charge, in apartments to be assigned to him by the board, and he shall be in constant attendance at the prison, except when absent on some necessary duty, or sick, in which case his duties during his absence or illness shall be performed by the deputy; and in no case shall the warden and deputy warden be absent from the prison at the same time. Before entering upon the duties of his office the warden shall execute to the people of this State a bond with two or more sufficient sureties, in the penal sum of twenty thousand dollars, conditioned that he shall faithfully account for all money and property that may come into his hands by virtue of his office, and perform all the duties incumbent upon him as such warden, according to law; which bond shall be approved by the board and filed in the office of the Auditor General. To remain at prison. Bond of.

SEC. 7. The warden shall keep a daily journal of the proceedings of the prison, in which he shall note every infraction of the rules and regulations of the prison by any officer or guard thereof, which shall come to his knowledge, and make a memorandum of every complaint made by any convict, of cruel or unjust treatment from his overseer, or other officer of the prison, or a want To keep a daily journal.

of good and sufficient food or clothing; and also of every infraction of the rules and regulations of the prison by any prisoner, naming him and specifying the offense, and also what punishment, and the extent thereof, if any, was awarded; which journal shall be laid before the board at every stated meeting and at every special meeting when demanded.

Duty of warden. SEC. 8. It shall be the duty of the warden, under the rules and regulations adopted by the board for the government of the prison:

First, To exercise a general superintendence over the government, discipline, and police of the prison, and to superintend all the business concerns thereof;

Second, To give necessary directions to all the inferior officers, keepers and guards, and to examine whether they have been careful and vigilant in their respective duties;

Third, To examine daily into the state of the prison, and the health, conduct and safe keeping of the prisoners;

Fourth, To use every proper means to furnish employment to prisoners, most beneficial to the State, and best suited to their several capacities;

Fifth, To superintend any manufacturing and mechanical business that may be carried on by the State, pursuant to law, within the prison, to receive the articles manufactured, and to sell and dispose of the same for the benefit of the State;

Sixth, To take charge of the real and personal estate attached to the prison;

Seventh, To inquire into the justice of any complaints made by any of the convicts relative to their provisions, clothing, or treatment;

To be custodian
of funds.

Eighth, The said warden, under the direction of the board, shall be the custodian of all funds belonging to the prison, whether arising from the avails of the labor of the convicts, the sales of manufactured articles, or appropriations made by the legislature and drawn from the State treasury;

To be executive
head.

Ninth, And generally to have charge of all the departments of the prison and its officers as its executive head.

To make
monthly report.

SEC. 9. The warden shall make a monthly report to the board of all moneys recived by him from every source by virtue of his office, and of all sums paid and expended by him, with lawful vouchers therefor, and stating also the balance in his hands at the time of making such report.

To take charge
of property of
convicts.

How property
kept and
disposed of.

SEC. 10. The warden shall take charge of the property which a convict may have about his person when received at the prison. The money so taken shall be placed in the prison accounts to the credit of the convict from whom it is taken; the other property, if of any value, and not of a perishable nature, shall be kept by the warden, and returned to the convict when he shall be discharged, or all shall be delivered to the wife or family of said convict, if he shall so direct, or be delivered to his legal representatives, in case of his death before being released: *Provided*, That if no legal representative shall demand such property within two

Proviso.

years after the death of the convict, the whole of it shall become the property of and be applied to the use of the State.

SEC. 11. It shall be the duty of the warden to receive therein and safely keep, and subject to the discipline of the prison, any criminal convicted of any crime against the United States, sentenced to imprisonment therein by any court of the United States, sitting within this State, until such sentence shall be executed, or until such convict shall be discharged by due course of law; the United States supporting such convict, and paying the expenses of executing such sentence.

To receive certain convicts from U. S. courts.

SEC. 12. All the fiscal transactions and dealings on account of the prison shall be conducted by and in the name of the warden thereof, who shall be capable in law of suing and being sued in all courts and places, and in all matters concerning the said prison, by his name of office; and by that name he is authorized to sue for and recover all sums of money, or any property due from any person to any former agent or warden of the said prison. When a controversy arises respecting any contract made by the warden on account of the prison, or a suit is pending thereon, the warden may, with the written approval of the board, submit the same to the final determination of arbitrators or referees.

Warden to conduct all fiscal transactions of prison, etc.

SEC. 13. The clerk of the prison, before entering upon the duties of his office, shall execute a bond to the people of this State, with sufficient sureties, to be approved by the board in the penal sum of ten thousand dollars, conditioned that he will keep a true, honest, and faithful record of the accounts of the prison, and pay over all money belonging to the prison that may come into his hands as such clerk, and will faithfully discharge all the duties of such office as prescribed by law, and the rules and regulations of the prison, which bond shall be filed in the office of the Auditor General.

Bond of clerk of prison.

SEC. 14. It shall be the duty of the clerk of the prison:

Duty of clerk.

First, To attend at the prison daily during the proper business hours, unless by the direction of a member of the board or of the warden he is otherwise engaged in transacting business on account of the prison;

To be at prison daily.

Second, To keep the books and accounts of the prison in such manner as to exhibit clearly all the financial transactions relating to it; to also keep a register of convicts, in which shall be entered in alphabetical order the name of each convict, the crime of which he is convicted, the date of his conviction, term of sentence, from what county, and by what court sentenced, his place of nativity, age, occupation, complexion, stature, number of previous convictions, and whether previously confined in a prison in this or any other State, together with when and how he was discharged. The board may require such additional facts to be stated on the register as it may deem proper;

To keep books and accounts, etc.

Third, To do all such writings as may be required of him by the board or warden relating to the affairs of the prison.

To do all required writing.

SEC. 15. It shall be the duty of the physician of the prison:

Duty of physician.

To attend to the sick.

First, To attend at all times to the wants of the sick convicts, whether in the hospital or in their cells, and to bestow upon them all necessary medical service;

To examine cells weekly.

Second, In company with the hall-master to examine weekly the cells of the convicts, for the purpose of ascertaining whether they are kept in a proper state of cleanliness and ventilation, and if they are not so kept to point out to said hall-master the deficiencies, and report the same monthly to the board;

To prescribe diet, etc.

Third, To prescribe the diet of sick convicts, and his directions in relation thereto shall be strictly followed; and to be present at and superintend all corporal punishments which may be inflicted in the prison;

To keep record of cases.

Fourth, To keep a daily record of all admissions to the hospital, and of cases treated in the cells or elsewhere, indicating the sex, color, nativity, age, occupation, habits of life, crime, period of entrance and discharge from the hospital, and disease;

To make yearly report.

Fifth, To make a yearly report to the board of the sanitary condition of the prison during the year, which report shall also contain a condensed statement of the information contained in his daily record;

Other reports.

Sixth, To make all such other reports as the board may from time to time require.

In case convict claims inability to labor.

SEC. 16. It shall be the duty of such physician, in case of any convict claiming to be unable to labor by means of sickness, to examine such convict; and if it is his opinion, upon such examination, that such convict is unable to labor, he shall immediately certify the same to the warden, and such convict shall thereupon be relieved from labor and admitted to the hospital, or placed in his cell or elsewhere for medical treatment, as said physician shall direct, having a due regard for the safe keeping of such convict; and such convict shall not be required to labor so long as, in the opinion of said physician, such disability shall continue; and whenever said physician shall certify to the warden that such convict is sufficiently recovered to be able to labor said convict shall be required to labor.

Hospital stores, how purchased.

SEC. 17. The necessary medicines and other hospital stores for the use of the prison shall be purchased as other prison stores, but with the advice of the physician and under the direction of the board.

Duty of chaplain.

SEC. 18. It shall be the duty of the chaplain of the prison, under such regulations as the board may prescribe, or in the absence of such regulations then as the warden shall direct, to hold religious services in the prison and to attend to the spiritual wants of the convicts; to give the convicts moral and religious instruction; to furnish each convict, at the expense of the State, a Bible and a prayer book of such version or kind as the convict may choose; to visit the sick; to make a report to the board at the close of each prison year relative to the work he has performed during the year, and the result of such work; and to perform such other duties as may from time to time be necessary or for the interest of the prison.

SEC. 19. It shall be the duty of the warden and other officers of the prison, whenever requested, to admit the board or any member thereof, into every part of the prison; to exhibit to them or either of them on demand, all the books, papers, accounts and writings pertaining to the prison, or to the business, government, discipline or management thereof, and to render the board every other facility to discharge their duties under this act.

Board to have access to prison, etc.

SEC. 20. Each member of the board shall be allowed for his services three dollars for each and every day actually and necessarily occupied in inspecting the prison and inquiring into the management thereof, and his actual traveling expenses in going to and from the prison, to be verified on oath, and paid by the State Treasurer on a warrant of the Auditor General.

Compensation of Board.

SEC. 21. There shall be paid monthly at the office of the prison to the officers thereof, the following annual salaries, to-wit: To the warden, a sum not exceeding fifteen hundred dollars; to the deputy warden, a sum not exceeding one thousand dollars; to the clerk, a sum not exceeding one thousand dollars; to the physician, a sum not exceeding one thousand dollars; to the chaplain, a sum not exceeding one thousand dollars; to each of the keepers, a sum not exceeding eight hundred dollars; to each of the guards a sum not exceeding seven hundred dollars, as the board in its discretion may deem for the best interest of the prison, and all other employés of each prison shall be paid such compensation, within the limits above fixed, as the board may deem just and reasonable and shall direct: *Provided*, That any individual salary may be increased beyond the limit named in the preceding clause by the approval of the Governor. The warden shall, in addition to his salary, be allowed the use of house, fuel and light, and provision for his family, and for guests who visit him on business connected with the prison, and any officer may, in the discretion of the board, be allowed the use of a house or an apartment, free of rent. And no officer or other person employed in or about the prison, shall be permitted to receive in any way perquisites, emoluments or supplies for himself or his family from the prison, other than the compensation allowed by law. The board may, if it shall deem it for the interest of the prison, require the keepers, guards and such of the employés as they may designate, to be lodged and messed, or boarded in the prison, and for that purpose may furnish lodging rooms in a plain and substantial manner, and supply provisions from the prison stock, which shall be cooked and prepared by the labor of convicts, and served at such times and on such terms and in such place as the board may direct.

Salaries of officers and employés.

Provido.

Use of house, etc., for officers.

Perquisites, etc., not allowed.

Keepers, etc., may be boarded.

SEC. 22. No member of the board shall be warden of the prison, or be concerned in the business thereof, or hold any other appointment or place connected with the prison, and no person shall be appointed member of the board, warden, deputy or clerk, or to any other employment in the prison, who is a contractor in the prison, or the agent or employé of such contractor, or who is interested directly or indirectly in any kind of business carried

Members of board not to hold other position in prison, or be contractors, etc.

on in such prison. And no member of the board, warden or any other officer of the prison shall be directly or indirectly interested in any contract, purchase or sale for or on account of the prison. No member of the board, warden or any other officer of the prison shall employ the labor of any convict upon any work in which he or any other officer shall be interested.

Warden, etc.,
not to be em-
ployed in other
business.

SEC. 23. Neither the warden or any officer appointed by him, or by the warden and board, shall be employed in any business for private emolument, or which does not pertain to the duties of his office.

Exemptions
from military
duty.

SEC. 24. The warden, clerk, deputies, keepers, guards and other necessary attendants shall, while in the actual employ of the State, as such, be exempt from military and jury duties.

Meetings of
board.

SEC. 25. The board shall meet at the prison as often as once in each month, and as much oftener as the proper control and management thereof shall require. A majority of the members of the board shall constitute a quorum for the transaction of business. The president of the board shall be the member having the shortest time to serve. All orders and resolutions of the board shall be entered in its journal. The clerk of the prison at which any meeting of the board shall be held, shall attend, and shall keep regular minutes of its proceedings, and of all rules and regulations adopted by it, which shall be recorded in a book provided for that purpose, signed by the members of the board present, and kept at the prison office.

President.

Journal to be
kept, by whom,
etc.

Rules, etc., for
the government
of prison.

SEC. 26. It shall be the duty of the board to make and adopt all such general rules and regulations for the government and discipline of the prison and the separation and classification of prisoners as it may deem expedient, and from time to time to change and amend the same as circumstances may require. In making such rules and regulations the board shall, as far as practicable, consistent with the discipline of the prison, adopt such as shall in its judgment best conduce to the reformation of convicts. A printed copy of the rules and regulations shall be furnished to every officer and guard at the time he is appointed and sworn, and so much thereof as relates to the duties and obligations of the convicts shall be hung up in a conspicuous place in each cell and shop, and such rules shall, so far as practicable, be written or printed in a language known to the convict occupying the cell. The board shall, at its regular meetings, examine all the different departments of each prison, and inquire into all matters connected with the government, discipline, and police thereof, the punishment and employment of the convicts therein confined, the books, accounts, and vouchers of the warden and clerk, the money, concerns and contracts for the work, the purchases and sales of the articles provided for such prison or sold on account thereof, and whether the convicts are properly fed, clothed, and governed. The board shall also inquire into any improper conduct which may be alleged to have been committed by the warden or any other officer or employé of the prison, and for that purpose the clerk may issue subpoenas to compel the

Duty of board
to examine
departments,
etc.

To enquire
into alleged
improper con-
duct, etc.

attendance of witnesses and the production of books, papers, and writings before the board with like effect, and subject to the same penalties for disobedience as in cases of trial before justices of the peace, and the board may examine any witness produced before it on oath to be administered by the president of the board, or in his absence by some other member thereof.

SEC. 27. The board may make such regulations in regard to the food, rations, clothing, and bedding of the convicts as the health, well-being and circumstances of each may require; but all diet, rations, clothing, beds, and bedding shall be plain, of good quality, and in sufficient quantity for the sustenance and comfort of the convicts.

Regulations
regarding food,
clothing, etc.

SEC. 28. The board shall annually, and as much oftener as it may deem necessary, require reports from the warden and other officers of the prison in relation to, and all matters connected with the management, business, discipline, money and property thereof; and the condition, conduct and employment of the convicts confined therein; and it shall, on or before the first day [of] November in each year preceding the regular session of the legislature, make out and transmit to the Governor a report made up to the thirtieth of June of the current year, showing the condition of the prison, together with a detailed statement of the receipts and expenditures thereof for the two preceding years; the estimates of expenses for buildings, repairs, and all other purposes for the next two succeeding years, the number of officers with their several salaries, the name of each contractor in the prison, with the number of convicts employed by him, and the price paid for their labor, the whole number of convicts in the prison, and the whole number received during each of the two years, with the names of the counties from whence they were received, and the crimes of which they were convicted, the number who died, were discharged, escaped, or pardoned, the changes or additions, if any, to the prison buildings, and the costs thereof, together with such other facts and suggestions as will fully exhibit the entire workings of the prison during the two preceding fiscal years.

Board to require
reports from
warden, etc.

To transmit
report to
Governor.

Contents of
report.

SEC. 29. The board shall prescribe a cap or uniform to be worn while on duty by the several officers of the prison, except physician and chaplain, which shall have the name plainly designating the rank of the officer wearing the same.

Uniform of
officers.

SEC. 30. All courts having criminal jurisdiction in Michigan may sentence to the said State House of Correction and branch of the State Prison in the Upper Peninsula all persons duly convicted before them, as is or may be provided by law for sentencing of prisoners to any of the other prisons in this State.

Who may be
sentenced to
this prison.

SEC. 31. In the management of this prison the board may, under a system of marks or otherwise, fix upon the [a] uniform plan under which they shall determine what number of marks, or what credit shall be earned by each prisoner sentenced thereto, as the condition of increasing privileges, or of release, which system shall be subject to revision from time to time. Each prisoner so sentenced shall be credited for good personal demeanor, diligence

Credits earned
by prisoners.

Abstract of record, etc., to be filed with Secretary of State.

Credits, etc., to be made known to prisoner, etc.

Certain facts relating to prisoners to be entered on journal.

How prisoners may be employed.

Penalty for supplying prisoners with disguises, etc.

Record of infraction of rules, etc., to be kept.

Reward for having no record.

in labor and study, and for results accomplished, and be charged for derelictions, negligence and offenses. An abstract of the record in the case of each prisoner remaining under the control of the said board shall be made up semi-annually, considered by the board at a regular meeting, and filed with the Secretary of the State, which abstract shall show the date of admission, the age, the then situation, and whether transferred and where, whether any, and how much progress of improvement has been made, and the reason for release or continued custody, as the case may be. The board shall establish rules and regulations by which the standing of each prisoner's account of marks or credits shall be made known to him as often as once a month, and oftener, if he shall at any time request it, and may make provision by which any prisoner may see and converse with some one of said board once in every two months.

SEC. 32. Respecting each prisoner received into the prison upon direct sentence thereto, the board shall cause to be entered from time to time in a register such facts as can be ascertained of parentage and of early social influence as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and based upon these an estimate of the character of the prisoner and the best probable plan of treatment. Upon such register shall also be entered from time to time, minutes of observed improvement or deterioration of character, and notes as to methods and treatment employed, and all orders or alterations affecting the standing or situation of prisoners, and any facts of personal history which may be brought to the knowledge of the board affecting the question of the final release of the prisoner, or his being suffered to go out on parole.

SEC. 33. The warden shall also have authority, under such regulations as the board may adopt, to employ convicts in quarrying stone, in the erection or repair of the buildings or walls of the prison, in the prison mine, on the prison farm, or for any industry for the State or on account of the prison, outside the prison walls.

SEC. 34. Any person supplying any convict, placed at work outside of the prison walls by direction of either the board or the warden, with weapons, money, clothing or disguises, with intent to assist him in escaping from custody, or who shall in any way assist such convict in his endeavors to escape, shall be liable, upon conviction, to the same punishment as though such act had been done within the prison walls, and every such convict who shall escape, and every person aiding such escape from such custody, shall be liable to the same penalties as though he had broken prison and escaped, or assisted in such breaking or escape.

SEC. 35. The warden shall cause a record to be kept of each and all infractions of the rules of discipline by convicts, with the name of the persons so offending, and the date and character of each offense, which record shall be placed before the board at each regular meeting thereof, and every convict who shall have no infraction of the rules of the prison or laws of the State recorded

against him shall be entitled to a reduction from his sentence as follows: During the first and second years of his sentence, five days for each month; during the third and fourth years, six days for each month; during the fifth and sixth years, seven days for each month; during the seventh, eighth and ninth years, nine days for each month; during the tenth, eleventh, twelfth, thirteenth and fourteenth years, ten days for each month; during the fifteenth, sixteenth, seventeenth, eighteenth and nineteenth years, twelve days for each month; and from and including the twentieth year, up to the period fixed for the expiration of the sentence, fifteen days for each month. The board may, by general rule, subject to amendment from time to time, prescribe how much of the good time earned under the foregoing provisions a convict shall forfeit for more than one infraction of the prison rules in any month, and for any serious act of insubordination, attempt to escape or escape, the board may, by special order, take away any portion or the whole of the good time made by any convict up to the date of such offense. On recommendation of the warden the board may, as a reward for specially good conduct, such as aiding officials in cases of insubordination, or attempts at escape, restore to any convict the whole or any portion of the good time lost because of any minor infractions of the rules. Whenever a convict has been committed under several convictions, with separate sentences, they shall be considered as one continuous sentence in the granting or forfeiting good time: *Provided*, That a convict who shall be serving a second term in said prison shall be allowed for the several periods in the order named above, two, three, four, five, six, seven and eight days as good time, and no more; and if any convict has already served a second term in said prison, or any other prison in this State, he shall be allowed no good time, but shall be held until the full completion of his sentence.

Time earned to be forfeit by infractions and restoration thereof.

Proviso as to serving second term, etc.

SEC. 36. Each convict who, because of good time earned under the foregoing provisions, may be discharged from prison before the expiration of the full term of imprisonment imposed upon him by the court, shall be considered in custody of the warden until the expiration of said full term; and the said warden may, by virtue of said custody, send any convict so discharged in charge of an officer, to be designated by himself, to the place of his conviction, or to his residence if within the State: *Provided*, That no convict who was not an actual resident of the city of Marquette at the time of his conviction and sentence, shall, during the time he is by the above proviso in the custody of the warden, remain within the said city of Marquette without the consent of said warden, and if any such convict shall be found drunk or disorderly within the city before the expiration of his full term of sentence the said warden may cause his arrest and may confine him in said prison until the expiration of his full term of sentence, subject to the rules of discipline prescribed for the regulation of said prison.

Convicts discharged before expiration of sentence considered in custody of warden.

Proviso as to remaining in city of Marquette.

SEC. 37. All prisoners confined or who may hereafter be con-

What work
prisoners to be
employed at.

fined within the prison shall be employed at hard work exclusively in the manufacture of such articles as, in the opinion of the board, shall be deemed to be for the best interests of the State or under contract.

Articles needed
at institution
may be made,
etc.

SEC. 38. The board are required to employ so many prisoners in the prison as are necessary in making all articles for the various institutions as far as practicable, and the institutions shall pay to the prison making such articles the market price of all such articles furnished.

Making con-
tracts for labor
of prisoners.

SEC. 39. Whenever the board shall direct a contract to be made for letting or hiring the labor of convicts it shall be the duty of the warden, under the direction of the board, to proceed to make such contracts in the manner and subject to conditions as follows:

Notice of
letting contract.

First, He shall cause a notice to be published in at least one daily paper in the cities of Detroit, Grand Rapids and Jackson and at such other places as the board may direct. Such publication shall be at least three weeks previous to the day appointed for letting the labor of such convicts, stating that sealed proposals will be received therefor, and specifying the maximum number of convicts whose labor is to be let, the maximum length of time, which shall not exceed ten years, and the last day on which bids will be received;

Board may
designate
articles to be
manufactured.

Second, The board may, in its discretion, authorize the warden to designate what articles or class of articles shall be manufactured;

What bids to
specify.

Third, Bids shall specify the articles proposed to be manufactured, the number of convicts whose labor it is proposed to hire, and the shop-room required;

Bond to accom-
pany bid.

Fourth, Each bid shall be accompanied by a bond, with good and sufficient sureties to the satisfaction of the board, and in such sum as they may direct, conditioned that in case the bid is accepted by the warden, the bidder will enter into a contract in pursuance of such bid, and execute a bond with two or more sureties, in a sum satisfactory to the board, conditioned for the faithful performance of the contract on his part;

Opening bids,
etc.

Fifth, The bids shall be opened by the warden, in the presence of the board, at their next meeting after the last day specified for receiving bids, and the convict labor shall be awarded to the highest bidder, if the price bid, in the judgment of the board, be a fair and reasonable compensation for such labor, but the warden, with the approval of the board, may reject any or all bids received;

Re-advertising,
etc.

Sixth, If no bids are received within the time limited by the notice above required to be published, or if received and upon being opened shall not be satisfactory, and for reason be not accepted, the board may at their option, direct the warden to re-advertise the labor of the convicts, or at any time within six months thereafter, and without further advertising, may authorize the warden to receive bids for the labor of not to exceed the number of convicts before advertised: *Provided*, That except as provided

Proviso.

in this subdivision, such bills and the contract and bonds made pursuant thereto, shall be subject to all of the provisions of law applying to bids received under an advertisement;

Seventh, The contracts made by the warden shall be in writing and approved by the board, or a majority of them, and one copy shall be filed in his office, but shall not be executed by the warden until the bond given for the performance of its conditions shall have been approved by the board;—

Contracts,
approval and
filing of.

Eighth, The State retains the right over the convicts, whose labor is contracted through its officers, and reserves the right to govern the convicts, and to change the disciplinary rules, and to forbid any work or manner of doing the same that is injurious to the health or dangerous to the persons of the convicts or destructive of the discipline of the prison. And the board may also reserve so much of the time of the inmates as they may deem proper for imparting instruction. And the warden, subject to the approval of the board, may exclude from the premises of the State Prison any contractor or his agent or employé who may be guilty of any misconduct in the institution; these stipulations may be inserted in every contract;

State to retain
certain rights,
etc.

Warden may
exclude con-
tractor, etc.,
from prison, etc.

Ninth, The State shall have a first lien upon all the machinery, tools, stock, buildings, appurtenances and appliances used by the contractor in the conduct or pursuit of any business or occupation in which the labor of any convicts contracted for or temporarily hired to such contractor is employed, as also upon all manufactured articles, the product of such convict labor, which are or may be without the workshops, or yard, or upon any premises of the prison, as well as upon such machinery, tools, stock, appurtenances, appliances and manufactured articles, wherever they or any of them may be stored or kept by such contractor, for all moneys due or to become due for labor by any convict for said contractor, and shall authorize the warden at any time after such money becomes due, to detain and take into his possession any property covered by such lien wherever the same may be kept or stored by such contractor, and to advertise and sell the same by giving at least four weeks' notice of such sale in at least four papers published in different parts of the State. The provisions of this subdivision may be inserted in every contract.

State to have
lien on ma-
chinery, etc.,
for money due,
etc., for labor.

Tenth, At any sale made in pursuance to the provision of the foregoing subdivision, the warden may, with the approval of the board, become a bidder in the interest of the State, for any property offered at such sale, and if there be any surplus arising from such sale, after discharging the indebtedness of the State and paying the expenses incident thereto, such surplus shall be placed to the credit of the contractor to whom the property belonged, or be refunded to him if the State have no further matured claim upon him.

Warden may
be bidder at
sale of property
of contractor.

SEC. 40. Convicts not employed under any contract may, with the approval of the board, be employed by the warden upon work for the State in such manner and to such extent as may be deemed advantageous, or he may hire such convicts to contractors

Convicts not
employed under
contract, how
employed.

or others, temporarily, at such price as he may deem proper, subject to the approval of the board, but such hiring shall terminate whenever, in the opinion of the board, the interest of the prison may require.

When warden
to manufacture
certain articles.

SEC. 41. If the warden shall not let the labor of the convicts on contracts at reasonable rates, so that any considerable number are without employment, he may, under the direction of the board, with the approval of the Governor, prepare shop-room, procure simple and inexpensive machinery and material, and employ such convicts in the manufacture of any article that, in the opinion of the board, can be made in the prison to advantage and profit for the benefit of the State.

When warden
may make con-
tract for convict
labor outside
the prison, etc.

SEC. 42. It shall and may be lawful for the warden of the State Prison, acting by and with the advice and consent of a majority of the board of the prison, and in accordance with the regulations at the time in force, to make contracts for supplying convict labor for terms not exceeding two years, to parties whose places of business may be outside the prison walls, and so located that the convicts may be conveniently taken from the prison in the morning and returned to the same at night, at not less than one dollar per day for each convict so employed: *Provided*, That before any such contract shall be executed the warden of the prison shall transmit to the board a statement and estimate, in writing, showing what precautions are proposed to prevent the escape of the convicts so contracted; the extra expense of guards and keepers, and of clothing, if any, by such plan; and showing what the profit and loss to the State would be by such contract as compared with the average price paid for labor within the prison walls, and with the average which he will probably be able to obtain for the same during the time for which it is proposed to contract the labor of said convicts: *And provided further*, That it shall be inserted as a proviso in every such contract, that the same may be canceled at any time, by a vote of a majority of the board of the prison.

Proviso as to
statement of
warden.

Further
proviso.

When new bond
to be required
of contractor.

SEC. 43. If the bond, given by any of the contractors shall, in the opinion of the board, become insufficient by reason of the death or insolvency or removal from the State of any surety or sureties thereto, or for any other cause, the board may, by an order entered in its records, require a new bond with sufficient sureties, and in amount approved by the board to be executed and delivered by the contractor. And failure to execute and deliver such new bond within ten days after notice of such order served on such contractor, or his agent or overseer at the prison, shall authorize the board to annul such contractor's contract.

Failure to exe-
cute new bond
may annul con-
tract.

Transfer of con-
tracted convict,
etc.

SEC. 44. Whenever the warden or the board shall deem it necessary for the health, discipline or interest of any convict to do so, such convict may be transferred from one kind of work to any other kind of work in the prison, as the warden or the board shall from time to time direct, and no such transfer shall affect or be deemed a violation of any contract.

SEC. 45. The convicts which have been or may be sentenced

to solitary confinement in the State Prison at hard labor for life may be released from solitary confinement and employed as other convicts are whenever and for such times as the board may by resolution direct; and the board is authorized to allow such convicts, under such restrictions as it may deem necessary and proper, to correspond with near relatives and friends.

Convicts sentenced to solitary confinement, how employed, etc.

SEC. 46. All convicts other than such as are confined in solitude for misconduct in the prison shall be kept constantly employed at hard labor at not to exceed ten hours a day (Sundays excepted), unless incapable of working by reason of sickness or other infirmity. Whenever there shall be a sufficient number of cells in the prison it shall be the duty of the warden to keep the prisoners singly in a cell at night, and also during the daytime when unemployed.

Convicts to be kept employed at hard labor.

Prisoners to be kept singly in cells.

SEC. 47. The keepers shall preserve proper discipline among the convicts under their charge, and the warden or deputy warden may punish them for misconduct in such manner and under such regulations as shall be adopted by the board: *Provided*, That punishment by showering with cold water, or whipping with the lash on the bare body, shall in no case be allowed; and the warden or deputy shall, as soon as the next day after inflicting punishment on any convict, enter in a book to be kept for that purpose a written memorandum thereof signed by him, stating the offense committed, and the kind and extent of the punishment inflicted, but in no case shall any punishment be brutal or inhuman.

Punishment of convicts.

Proviso.

SEC. 48. When several convicts combined, or one convict alone, shall offer violence to any officer or guard of the prison, or to any other convict or person, or do, or attempt to do any injury to the building, or any workshop, or to any appurtenances thereof, or attempt to escape, or resist or disobey any reasonable command, the officers of the prison shall use all suitable means to defend themselves, to enforce the observance of discipline, to secure the persons of offenders, and to prevent any such attempt to escape. But the provisions of this section shall not be published in the rules and regulations of the prison, and shall not be posted up in the cells therein.

When officers to use all suitable means for self defense.

SEC. 49. No spirituous or fermented liquor shall, on any pretense whatever, be sold in the prison, or in any building appurtenant thereto, or on the land granted to the State for the use and benefit of the prison; and no such liquors shall be given to, or suffered to be used by, any convict or employé in the prison, unless he is sick, and then only under the special direction of the physician; and no tobacco shall be allowed to be used by any convict, except under order of the physician, in writing, which shall name the convict, and limit the time for which the privilege is granted.

Spirituous liquor not to be sold.

When not to be used by convicts.

Use of tobacco prohibited.

SEC. 50. All books of account, registers, and other documents and papers relating to the affairs of the prisons shall be considered public property, and shall remain therein, and the warden shall preserve at least one set of copies of all official reports made to the Governor respecting said prison, and a set of

Books, registers, etc., public property.

Reports to be preserved.

similar reports in relation to the prisons of other States, so far as he shall be able to obtain the same; and to accomplish this purpose, there shall be printed biennially, for the use of the prison, two hundred extra copies of the report of the board, one hundred of which shall be supplied to the warden, for exchange with prisons of other States, and he shall biennially transmit to each of the State prisons in the United States one copy of such report.

Economy to be practiced.

SEC. 51. It shall be the duty of the warden and deputy warden to see that rigid economy is practiced in all matters pertaining to the prison, and in the employment of prisoners, and that duplicate receipts be taken for all expenditures made by them on account of the prison, one copy of which shall be sent to the Auditor General's office monthly.

Board to examine and audit bills, etc.

SEC. 52. It shall be the duty of the board to examine and audit, before payment, all bills and accounts of this prison at least monthly, to enter a strict account of the same in its books, and after the same shall have been examined, entered, and audited, they shall be transmitted by the board to the Auditor General.

Moneys, how drawn by board.

SEC. 53. The Auditor General is hereby authorized and required to draw his warrant on the Treasurer for such sums as the board shall from time to time direct; but such sums so drawn at any one time for this prison shall not exceed one thousand dollars, and no further sum shall be drawn until satisfactory vouchers are presented to and allowed by the Auditor General for the amount previously drawn.

Auditor General to settle accounts of retiring warden.

SEC. 54. On the removal or resignation of any warden, the Auditor General shall settle the accounts of such warden on the presentation of his books and vouchers, duly authenticated for that purpose.

Duty of sheriff when prisoner is removed to the prison.

SEC. 55. It shall be the duty of the sheriff of every county in which any criminal shall be sentenced to confinement in this prison to cause such convict to be removed from the county jail within forty-eight hours after sentence, conveyed to the said prison and delivered to the warden thereof.

Cost of conveying convicts to prison, how paid.

SEC. 56. The fees and actual expenses of sheriffs in conveying convicts to this prison shall be made out in a bill containing the items thereof, and shall be presented to the warden when the prisoner is delivered at the prison. The warden shall certify on it that the prisoner has been received, and the bill, including the sheriff's actual expenses in returning to the county from whence the prisoner was sent, shall be audited by the Auditor General and paid from the State treasury. Before drawing his warrant the Auditor General shall correct any errors in said bill as to form, items or amount, and the sheriff shall be paid for such services, his actual traveling expenses and the expenses of the convict, and the sum of (\$3.00) three dollars for each and every day so employed.

Warden to receive copy of sentence with prisoner and give receipt.

SEC. 57. When any convict shall be delivered to the warden of the prison, the officer having such convict in his charge shall deliver to such warden the certified copy of the sentence received by

such officer from the clerk of the court, and shall take from such warden a certificate of the delivery of such convict; and such certified copy of the sentence of any convict shall be evidence of the facts therein contained.

SEC. 58. No person, without the consent of the warden, shall bring into or carry out of the prison any letter or writing, or any information to or from any convict; and whoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor.

Letters, etc., not to be conveyed to or from convict, etc.

SEC. 59. The following persons shall be authorized to visit the prison at pleasure, namely: The Governor, Lieutenant Governor, members of the legislature, State officers, the judges of the supreme and circuit courts, prosecuting attorneys, sheriffs, members and officers of any board authorized by law to visit the same, and all regular officiating ministers of the gospel; and no other person shall be permitted to go within the walls of the prison where convicts shall be confined, except by special permission of the warden, or under such regulations as the board shall prescribe.

Who may visit prison.

SEC. 60. It shall be lawful for the board to establish uniform rules for the admission of visitors within the prison, and they may prescribe a reasonable sum, not less than fifty cents, to be charged each individual for one admission: *Provided*, That no ticket of admission shall be sold to any person known to have served a term in this or any other prison, or to any person intoxicated or under the influence of liquor, or disorderly person, or to any person known to the prison officials or in police circles as a "crook" or prostitute. The warden shall procure suitable tickets, which shall be sold by the clerk, who shall keep an account of such sales, and pay over the money received to the warden daily. The gate-keeper at the prison entrance shall receive the tickets and shall deliver them to the warden each day before the prison is closed. It shall be the duty of the board to appropriate annually out of fees received from visitors the sum of five hundred dollars in the purchase of books for said prison for the use of said convicts.

Rules for admission of visitors.

Proviso.

Money received for admission tickets, how disposed of.

SEC. 61. If any convict confined in the prison shall be considered an important witness in behalf of the people of this State, or for the defendant, upon any criminal prosecution against any other person, it shall be the duty of any officer or court authorized by law to allow writs of *habeas corpus*, upon the affidavit of the prosecuting attorney, or other, showing to the satisfaction of such court or officer that such convict is a material and important witness on the trial of the cause to grant a *habeas corpus* for the purpose of bringing such convict before the proper court to testify upon such prosecution. And in every case where a convict shall be removed from the prison to testify on any trial as provided in this section, he shall be securely kept in the jail of the county to which he shall have been removed, subject only to be taken into court to testify on such trial, and after his testimony shall have been given he shall be by the sheriff of the county forthwith returned to the prison, there to serve out the remainder of his term.

Convicts may be taken from, to testify, how.

Prison school. SEC. 62. A school shall be maintained in the prison for the instruction of convicts confined therein. It shall be conducted under such regulations as may be approved by the board.

Proceedings in case of contagious disease, etc. SEC. 63. In case any pestilence or contagious disease shall break out among the prisoners in the prison, or in the vicinity of the prison, the board may cause the convicts therein to be removed to some suitable place of security, where such of them as may be sick shall receive all necessary care and medical attendance, and such convicts shall be returned as soon as it may be safe to do so to the prison, and there confined according to their respective sentences, if the same be unexpired.

Proceedings in case of fire. SEC. 64. Whenever, by reason of the prison or any building contiguous or near to either prison being on fire, there shall be reason to apprehend that the convicts therein may be injured or endangered by such fire, or may escape, the warden may remove such convicts to some safe and convenient place, and there confine them so long as may be necessary to avoid the danger.

Buildings destroyed, etc., by fire may be rebuilt. SEC. 65. If any of the shops or buildings are destroyed or injured by fire, they may be rebuilt or repaired immediately under the direction of the board, and with the approval of the Governor, and the expense thereof paid from the State treasury. The money for this purpose will be drawn from the State treasury, and accounted for in the manner now provided by law.

Auditor General to examine and audit accounts of warden, etc. SEC. 66. It shall be the duty of the Auditor General to examine and audit the accounts of the warden, and to lay a statement thereof before the legislature at each regular session thereof.

Escaped convicts, rewards for, etc. SEC. 67. Whenever any convict shall escape from the prison it shall be the duty of the warden to take all proper measures for the apprehension of such convict, and for that purpose he may offer a reward, not exceeding fifty dollars, for the apprehension and delivery of such convict; but with the consent of the board such reward may be increased to a sum not exceeding five hundred dollars. All suitable rewards and other sums of money, necessarily paid for advertising and apprehending any convict who may escape from prison, shall be audited by the Auditor General and paid out of the State treasury. If any prisoner shall be retaken, the time between the escape and his recommittal shall not be computed as part of the term of imprisonment, but he shall remain in the prison a sufficient length of time after the term of his sentence would have expired if he had not escaped to equal the period of time he may have been absent by reason of such escape.

Time away from prison to be made up.

Prisoner to be furnished certain articles on discharge. SEC. 68. When any convict shall be discharged from prison, by pardon or otherwise, the warden shall furnish such convict with clothing, if he be not already provided for, not exceeding ten dollars in value, and such sum of money, not exceeding ten dollars, as the warden may deem necessary and proper; and the board may, in its discretion, furnish such convict with a further sum of money, not exceeding fifteen dollars, whenever, in the opinion of the board, the necessities of the convict are such as require the same. The warden shall also allow and pay to the

convict such sum as such convict may earn by doing overwork for the contractors, under such regulations as the board may prescribe, such overwork to be charged and collected of the contractors in the same manner as the regular labor of the convicts: *Provided*, That instead of paying to a discharged convict any moneys due him for overwork, or the sum of ten dollars or under, above allowed, the warden may, in his discretion, expend said money and allowance, or such portion thereof as may be necessary, in paying the fare of said convict to his home, or place of destination, or to the State agent for discharged convicts. Proviso.

SEC. 69. Whenever any contractor shall become indebted to the State under a contract for convict labor, made with the proper officers of the prison, whether such contract was made in accordance with the provisions of the statute relating thereto or not, the lien of the State upon the machinery, tools, stock, buildings, appurtenances, and appliances used by such contractor in the conduct or pursuit of any business or occupation in which the labor of any convict contracted for or temporarily hired to such contractor is employed, as also the products of such convict labor which are or may be within the workshops or yard, or upon any premises of the prison, as well as upon such machinery, tools, stock, appurtenances, appliances and manufactured articles wherever they, or any of them, may be stored or kept by such contractor, for all moneys due or to become due for labor by any or all convicts for said contractor, shall be the same, and shall be enforced in the same manner by the warden as though all of said provisions had been fully complied with, and the sureties upon any bond given for the performance of such contract shall be liable to the extent of and indebtedness to the State incurred under such contract as fully, and to the same extent, as though the provisions of the law prescribing the manner of making contracts for the labor of convicts had been fully complied with. Lien for convict labor, etc., on machinery, etc., of contractor to remain good, etc.

SEC. 70. Whenever, in the judgment of the board, the interest of the State will be protected thereby, the board may require any contractor to secure, in such insurance company or companies as it shall deem reliable, insurance on such or all of the property or material of such contractor as, under the terms of his contract, the State has a lien upon, and such insurance shall be for the amount prescribed by the board, and payable to the warden of the prison. Contractor may be required to insure property, etc.

SEC. 71. That any convict now or hereafter confined in this prison, for any term other than for life, and who, during the term of such confinement, shall commit any crime punishable under the laws of this State by imprisonment in such institution, shall be subject to the same punishment as if the crime had been committed at any other place, or by a person not so confined. Punishment of crimes committed by prisoners.

SEC. 72. The circuit court of the county in which the prison is shall have jurisdiction over cases arising under the foregoing section, and the proceedings thereto pertaining shall, in all ways, conform to the law and rules in cases of like offenses occurring elsewhere, except that the examination may be held in one of the Circuit court of Marquette county to have jurisdiction over cases arising under last section.

offices of the prison, at the option of the justice of peace before whom the complaint may be made, and that the warrant shall be made in the ordinary form, shall be directed to the warden of such prison, and shall set forth that the accused is imprisoned in such prison under and by authority of the laws of the State of Michigan; and further, that the convict so confined shall remain in the custody of such warden, subject to the order of the circuit court of the county of Marquette.

Approved June 27, 1887.

[No. 259.]

AN ACT to provide for an Independent Forestry Commission of the State of Michigan and to define its duties and powers and to provide for the expense thereof.

Commission, who to constitute. SECTION 1. *The People of the State of Michigan enact, That* the members of the State Board of Agriculture are hereby constituted a commission to be known as an Independent Forestry Commission.

Duty of. SEC. 2. It shall be the duty of said Forestry Commission to institute an inquiry into the extent to which the forests of Michigan are being destroyed by fires, used by wasteful cutting for consumption or for the purpose of clearing lands for tillage or pasturage. Also as to the effect of the diminution of the wooded surface of the land upon ponds, rivers and water power of the State, and in disturbing and deteriorating the natural conditions of the climate. Also as to the protection of denuded regions, stump and swamp lands.

Report of. SEC. 3. Said commission shall make report of the results of their inquiries to the Governor of the State, together with such legislation as seems to them expedient to propose to preserve and restore the forest wealth of the State, sixty days before the assembling of the legislature for the year eighteen hundred and eighty-nine, and the State printer, under the direction of said commission, shall cause to be printed as many copies of said report for distribution as they may deem expedient.

Duty of supervisors to make estimates, etc., also stage of growth, etc., of forest lands. SEC. 4. It shall be the duty of the supervisor of each township, on or before the first Monday of June, eighteen hundred and eighty-eight, to make a careful estimate of the area and condition as to the stage of growth, density and character of forest land in their several towns. Also the area and waste of barren land on which valuable forest trees might be grown, and report the same to the Forestry Commission. A consolidated summary of these returns by counties, and of the information as to the same matter otherwise gathered by said commission, shall be included in the annual report.

Report of supervisors to Forest Commission. SEC. 5. The supervisor of every township as aforesaid and in which a forest fire of more than one acre in extent has occurred within a year, shall report to the Forestry Commission the extent of

area burned over, to the best of his information, together with the probable amount of property destroyed, specifying the value of timber, as near as may be, and amount of cord-wood, logs, bark or other forest product; also fencing, bridges and buildings that have been burned. They shall also make inquiries and report as to the cause of these fires, if they can be ascertained, and as to the measures employed and found most effective in checking their progress. A summary of these returns by counties, and of the information otherwise gathered by said commission, shall be included in their annual report. Blanks for the reports required in this act shall be furnished by the Forestry Commission to the several townships at the expense of the State.

SEC. 6. The said Commission shall serve without compensation, but a sum not exceeding one thousand dollars is hereby appropriated to pay the necessary expenses incurred in collecting the information required by this act to be ascertained by said Commission, to be paid for by the State Treasurer, upon the warrant of the Auditor General, out of any funds not otherwise appropriated. Compensation of Commission.

Approved June 27, 1887.

[No. 260.]

AN ACT to amend section thirty-six of chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy one, being compiler's section six thousand six hundred and twenty-six of Howell's Annotated Statutes, relative to courts of chancery.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section thirty-six of chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, being Compiler's section six thousand six hundred and twenty-six of Howell's Annotated Statutes, relative to courts of chancery, be and the same is hereby amended so as to read as follows:

SEC. 6626. Any person claiming the legal or equitable title to lands, whether in possession or not, may institute a suit in chancery against any other person, not in possession, setting up a claim thereto in opposition to the title claimed by the complainant, and if the complainant shall establish his title to such lands, the defendant shall be decreed to release to the complainant all claims thereto, and pay costs, unless the defendant shall, by his answer, disclaim all title to such lands and give a release to the complainant, in which case costs shall be awarded as the court may deem just. Bills to quiet title to lands.

Approved June 27, 1887.

[No. 261.]

AN ACT to amend section fifteen of article four of act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management and fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State, and the several acts amendatory thereof," being compiler's section three thousand three hundred and seventy-seven of Howell's Annotated Statutes, as amended by act number two hundred and thirty-four, public acts of eighteen hundred and eighty-five, approved June ten, eighteen hundred and eighty-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen of article four of act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State, and the several acts amendatory thereof," being compiler's section three thousand three hundred and seventy-seven of Howell's Annotated Statutes, as amended by act number two hundred and thirty-four, public acts of eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

Fences to be
erected, etc.

Legal fence,
what to con-
stitute.

(§3377.) SEC. 15. Every railroad company formed under this act or any former act, and every corporation owning or operating any such railroad, shall erect and maintain in effective condition of repair fences on each side of the right of way to their respective roads, as hereinafter provided. A legal railroad fence shall not be less than four and one-half feet high, and shall be made of boards and posts in combination as follows: The boards to be of pine or hemlock, six inches in width and sixteen feet in length; the posts to be of cedar, tamarack or oak, not less than seven feet in length and six inches in diameter, to be set not less than two and one-half feet in the ground at a distance apart not less than eight feet from center to center. First a board shall be nailed to the posts close to the ground; five inches above such first board, a second; six inches above the second, a third; six inches above the third, a fourth; six inches above the fourth, a fifth; all to be capped with a like board securely nailed to the fifth board and to the posts. All the boards to be firmly nailed to the posts with not less than two eight or ten-penny [fence] nails at each post. Or it may be constructed of posts, boards and wire in combination as follows: The posts shall be of cedar, tamarack or oak, not less than seven feet in length and six inches in diameter, to be set not less than two and one-half feet in the ground, at a distance apart of not more than eight feet from center to center. At a height of sixteen inches from the ground a pine or hemlock fence board six inches in width, and seven inches above

such first pine or hemlock board, second of the same width, both boards to be firmly nailed to the post with two eight or ten-penny [fence] nails at each post. At the height of five inches from the ground a barbed fence wire, and at ten inches from the ground a second barbed wire; forty-four inches from the ground, or nine inches from the second pine or hemlock board, a third barbed wire; and fifty-three inches from the ground, or nine inches above the third barbed wire, a flat Brinkerhoof strip, or some other metallic strand of similar pattern; or it may be constructed with such posts and set as above described and made as follows: At a height of four inches from the ground a barbed fence wire; at nine inches from the ground a second barbed wire; at fourteen inches from the ground a third barbed wire; at twenty inches from the ground a fourth barbed wire; at twenty-eight inches from the ground a fifth barbed wire; at thirty-seven inches from the ground a sixth barbed wire; at forty-eight inches from the ground a six-inch pine or hemlock fence-board, capped with a six-inch pine or hemlock fence-board. Such wires and strips to be properly strained, and the posts sufficiently braced wherever necessary to prevent the wires from becoming loose or sagging, and the wires to be securely fastened to the posts with sufficient staples. All inequalities of the ground under the fence to be surfaced and leveled so that no animals can pass under the lower strand: *Provided*, Any railroad company that has already erected fences along the line of its right of way may allow the same to remain until otherwise ordered by the Commissioner of Railroads; but in such case said railroad company or corporation shall be liable for all damages done to animals or stock coming upon its right of way through or over such fence, but on the trial of any action for damages, if it shall be shown that the fence through or over which such animals or stock entered upon such right of way was four feet in height and otherwise equal in strength and sufficiency to turn animals or stock, to the fence provided for in this act, then no damages shall be recovered. Such right of way fences shall be provided with suitable connecting fences and cattle-guards at all highways and street crossings, which shall at all times be kept in effective repair and sufficient to prevent stock of all kinds from passing upon the track of the railroad at such highway or street crossings. Convenient farm crossings shall also be constructed by any such railroad corporation across the right of way and track of its railroad, with the necessary gates or bars therefor as the owner or occupant of the premises may elect, at the sides of the right of way, which said gates or bars shall be of sufficient width to admit the free and easy transportation of all farm machinery, including harvesters or binders, in form as the same are usually drawn, upon the application of the owner or owners of land lying upon both sides of such railroad track, the same being inclosed by exterior fences, and being adjacent to such right of way. And in case of disagreement between the owner of any such lands and the railroad corporations as to the necessity for,

Proviso.

Company liable for damages, etc.

Connecting fences and cattle-guards.

Farm crossings and gates.

In case of disagreement, etc.

Liability for
damages.

When fences,
etc., to be
erected.

Proviso.

Liability of per-
sons allowing,
etc., animals on
tracks, etc.

location of, or character of farm crossing so applied for or as to the plan or construction of the gates as herein provided, then either party may present the matter in dispute to the Commissioner of Railroads, who shall proceed to investigate the same as soon as may be, and render his decision thereon, which shall be final and binding upon the parties respectively; and such farm crossings shall be constructed within the time prescribed by the said Commissioner of Railroads, under a penalty of ten dollars for each and every day that such construction of the farm crossing shall be delayed beyond the expiration of the time fixed for its completion by the said Commissioner of Railroads. And until such fences and cattle-guards as hereinbefore provided for shall be duly constructed, the company or corporation owning or operating such road shall be liable for all damages done to cattle or other animals thereon which may result from the neglect of such company or corporation maintaining or operating such road to construct and maintain in repair such fences and cattle-guards as aforesaid, to be recovered by the owner of such cattle or other animals in a civil action before any court of competent jurisdiction, together with an attorney's fee of twenty-five dollars, to be taxed as costs against the defendant in case of recovery in such action, and after such company or corporation shall have constructed such fences and cattle-guards as hereinbefore provided, and while they shall continue to maintain the same in good and sufficient repair, it shall not be liable for any such damages as aforesaid unless negligently or willfully done. And every such company or corporation owning or operating any such railroad shall within two or three months from the time any section or portion of such road is finished and put in general use by running regular trains thereon, and in the case of any roads now in use from the time this act shall take effect, erect and maintain the fences and cattle-guards as herein provided. Any violation of the provisions of this section on the part of any railroad corporation owning or operating any railroad in this State, by failure or neglect to construct and maintain fences and cattle-guards as herein required, shall be punished by a penalty of twenty-five dollars per day for each and every day that such neglect or failure shall continue: *Provided*, That if such fences and cattle-guards shall not be built as aforesaid along such portions of any line of road as is or may be constructed north of a line extending due west from the mouth of the Saginaw river, the corporation or company owning or operating any such line of road shall not be liable to the said penalty unless such fence shall be ordered by the Commissioner of Railroads, but shall be liable to all the other provisions of this section; and if any person shall ride, lead, or drive, or intentionally permit any horse or other animal upon such road and within such fences or cattle-guards other than farm crossings, or shall injure or destroy, or make openings or passages through or over such fences or cattle-guards, or neglect to close any gates or bars immediately after passing through the same, without the consent of such company or corporation,

he shall, for every such offense, be liable to a fine not exceeding one hundred dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved: *Provided further*, Proviso. That nothing herein contained shall be construed to prevent the erection of any other fence than that herein provided for, as may be agreed upon in writing between the duly authorized agent or officer of any railroad corporation and the owner of any land through which the road of such corporation shall be in operation.
Approved June 27, 1887.

[No. 262.]

AN ACT to provide for reporting all mortgages by the several registers of deeds of this State to the supervisors and assessing officers of their respective counties, and to the registers of deeds of other counties wherein the mortgagee resides, for assessment purposes, and providing blank form books therefor. Also prescribing the duties of registers of deeds relative to the recording of mortgages.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors at their first meeting after the taking effect of this act shall proceed to ascertain the number of assessing districts in their county, treating one township as one district and one city as one district, and as hereinafter provided, the board of supervisors shall procure a separate book or books for the reporting of mortgages for each separate district as aforesaid, by the register of deeds of their respective counties, to be known and designated as the "county resident book of unpaid mortgages," "district assessor book of unpaid mortgages," and "county non-resident book of unpaid mortgages," respectively. The "county resident book of unpaid mortgages" shall contain six hundred and forty pages, eighteen inches in length and of suitable width, and have printed on each page the following form, to-wit:

Supervisors to provide for reporting mortgages, etc.

Kind of books, etc., to be provided.

Mortgager.	Mortgagee.	Residence of Mortgagee.	Date.	Liber and page.	Amount.	Remarks.

for the register of deeds of each county, in which he shall transcribe a list of all undischarged mortgages in each assessment district in his county for reporting purposes only. The district assessor book of unpaid mortgages shall contain three hundred and twenty pages, and shall be printed on each page as aforesaid; each book shall be of convenient size and width, the binding and

work of style, quality and strength to insure the necessary durability and convenience in use. There shall also be provided one blank book for each register of deeds in this State, to be designated and known as a "county non-resident book of unpaid mortgages" of same size and form as the county resident book of unpaid mortgages aforesaid, but arranged alphabetically, in which the said register of deeds shall transcribe a list of all undischarged mortgages held by any person residing within the State outside of the county in which such book is kept.

Supervisors to determine No. of books necessary, etc.

SEC. 2. As soon as any board of supervisors for any county of this State shall have determined the number of books necessary for their own county in accordance with this act, they shall report in detail as a part of their proceedings, and shall instruct their register of deeds to make an order for said books upon the Secretary of State, and accompanying said order shall be a certified copy of the report adopted by said board. And it shall be the duty of any board of supervisors, at any subsequent regular meeting, to determine if any books may be wanted for any district as aforesaid before the next regular meeting of said board, and if so, they shall order said books of the Secretary of State in manner as aforesaid.

Secretary of State to furnish, etc.

SEC. 3. The Secretary of State shall furnish each county with books upon the order of boards of supervisors as aforesaid, the said books to be transmitted to the several county registers of deeds, and the several counties shall each be liable to the State for the cost and transportation of any books so furnished, and the board of supervisors shall make provision for, and at any regular meeting shall audit and pay any unpaid balances for said books which may be found due the State out of the contingent fund of the county.

Duty of board of State Auditors relative to furnishing books.

SEC. 4. It shall be the duty of the Board of State Auditors to provide books as aforesaid within six months from the passage of this act. It shall also be the duty of said Board of Auditors to have made a sample book, and advertise for bids for the manufacture of a requisite number and kind to meet the requirements of this act and to let the contract for their manufacture in accordance with the usual manner of letting State contracts, and it shall be the duty of said Board of State Auditors to see that the blank spaces in forms be adequate, and that all things be done to make them useful, uniform and convenient both for the registers and for the public.

Duty of register of deeds.

SEC. 5. Any register of deeds, upon the receipt of any book or books, as provided in this act, shall receipt for the same to the Secretary of State. Having these books, he shall use them exclusively as follows: In the first book described in section one of this act, the said register of deeds shall make a list of all undischarged mortgages in his county held by residents of said county from and including the year eighteen hundred and eighty, and the same shall be completed by the tenth day of April, A. D. eighteen hundred and eighty-eight; and every year thereafter said register of deeds shall add to said list or statement all mortgages

that may come into his office for record in accordance with the form prescribed in said book. Also the said register of deeds shall, on or before the tenth day of April, eighteen hundred and eighty-eight, and every year thereafter deliver to each assessing officer in his county one copy of the district assessor book of unpaid mortgages, in which shall be transcribed a list of all mortgages against the real property of said assessing officer's township for assessment purposes, which book shall be returned to said register of deeds immediately after the meeting of the board of review in said township or assessing district. Upon the return of said district assessor's book of unpaid mortgages to the register of deeds, said register shall add to said book a list of all mortgages that may have or may come into his hands for record affecting real property in said township. The register of deeds shall make a list or statement in the book known as the county non-resident book of unpaid mortgages (mentioned in section one of this act), of all mortgages recorded in his office by residents of the State who are non-residents of the county where said mortgage is recorded, and he shall furnish a complete list of all such non-resident mortgagees [mortgages] to the register of deeds of the county where such mortgagee resides. Such register of deeds, upon receiving such report, shall notify the assessing officer in whose district said mortgagee may reside. Whereupon the assessing officer of the district where said mortgagee resides shall assess the same as required by law. The register of deeds shall receive ten cents for every such notice, to be audited and paid in the general manner out of the contingent fund of the county where the mortgagee resides, and the said register of deeds shall also receive for each notice to the assessing officers in his county as provided in this act, the sum of ten cents, to be audited and paid out of the contingent fund of said county.

SEC. 6. It shall be the duty of any register of deeds of any county, upon the receipt of any assignment or discharge, or partial assignment or discharge of any mortgage or notice of any payment thereon, the original whereof is recorded in his office, to note the fact of the discharge or assignment or partial discharge or partial assignment, or of any payment thereon, in the marginal space at the right hand where the report of said mortgage appears. There shall also be reference notes showing the liber and page where each full or partial discharge or assignment or payment is recorded.

SEC. 7. Any violations of the provisions of this act shall be a misdemeanor, and upon conviction thereof the register of deeds shall be subject to a fine not exceeding one hundred dollars.

Violation of act by register of deeds a misdemeanor.

SEC. 8. It shall be the duty of every assessing officer, annually, in April of each year, to inspect the assessor's book of unpaid mortgages for his own district and to assess the unpaid mortgages therein contained according to law.

Duty of assessor.

SEC. 9. Each and every assessing officer, immediately upon his election or appointment, shall forward his name, title of office, and postoffice address to the Secretary of State.

Violation of act
by assessor a
misdemeanor.

SEC. 10. Any violation of the provisions of this act on the part of any assessing officer shall be a misdemeanor, and upon conviction thereof he shall be subject to a fine not exceeding fifty dollars.

Secretary of
State to supply,
etc., list of
names of as-
sessors.

SEC. 11. The Secretary of State shall supply annually, as early in April as possible, each register of deeds in the State with a printed list of names and postoffice address of all assessing officers throughout the State.

Name and resi-
dence of mort-
gagee nec-
essary, etc.

SEC. 12. No mortgage shall be recorded which does not give the name and residence of the mortgagee.

Approved June 27, 1887.

[No. 263.]

AN ACT to amend sections one and two of act one hundred and fifty-two, session laws of eighteen hundred and eighty-three, entitled "An act to provide for the taxation of persons, copartnerships, associations, car-loaning companies, corporations and fast freight lines engaged in the business of running cars over any of the railroads of this State and not being exclusively the property of any railroad company paying taxes on their gross receipts."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one and two of act numbered one hundred and fifty-two of the session laws of the year one thousand eight hundred and eighty-three, entitled "An act to provide for the taxation of persons, copartnerships, associations, car-loaning companies, corporations and fast freight lines engaged in the business of running cars over any of the railroads of this State and not being exclusively the property of any railroad company paying taxes on its gross receipts," be amended so as to read as follows:

Persons, etc.,
engaged in run-
ning cars, etc.,
liable for taxes
on gross re-
ceipts.

SECTION 1. That every person, copartnership, corporation, association, car-loaning company or fast freight line engaged or that may hereafter be engaged in the business of running cars over any of the railroads of this State, or for renting such cars for use upon said railroads, said cars at the same time not being exclusively the property of any railroad company paying taxes in this State under the provisions of article three of act one hundred and ninety-eight, session laws of eighteen hundred and eighty-three, and the several acts amendatory thereof, or of some railroad company incorporated and doing business under the laws of some other State or province, shall be liable to pay taxes upon the gross receipts or revenue derived as car mileage or car rentals for the use of such cars while in use for traffic between local points in this State, and from all sums received from passengers as additional charges to the regular fare for the occupancy of any palace, drawing-room, sleeping, parlor, chair or other car designed for passenger use between points situate within the limits of this State.

SEC. 2. It shall be the duty of every person, copartnership, corporation, association, car-loaning company or fast freight line engaged in the business of running, hiring or renting cars as specified in the first section of this act to keep a just and correct account of all receipts so derived by them as hereinbefore provided; and on or before the first day of April of each year report to the Commissioner of Railroads, upon blanks to be supplied by him, for such purpose, the gross amount of such receipts as aforesaid earned within the limits of this State for the year ending on the thirty-first day of December next preceding the date of such report.

Shall keep an accurate account of receipts.

Report, when to be made.

This act is ordered to take immediate effect.
Approved June 27, 1887.

[No. 264.]

AN ACT to provide for the recovery of damages for injuries caused or sustained by reason of defective public highways, streets, bridges, sidewalks, cross-walks or culverts, and to repeal act number two hundred and forty-four of the public acts of the year eighteen hundred and seventy-nine, being compiler's sections one thousand four hundred and forty-two, one thousand four hundred and forty-three, one thousand four hundred and forty-four, one thousand four hundred and forty-five and one thousand four hundred and forty-six of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That any person or persons sustaining bodily injury upon any of the public highways or streets in this State, by reason of neglect to keep such public highways or streets, and all bridges, sidewalks, cross-walks and culverts on the same in reasonable repair, and in condition reasonably safe and fit for travel by the township, village, city or corporation whose corporate authority extends over such public highway, street, bridge, sidewalk, cross-walk or culvert, and whose duty it is to keep the same in reasonable repair, such township, village, city or corporation shall be liable to and shall pay to the person or persons so injured or disabled just damages, to be recovered in an action of trespass on the case before any court of competent jurisdiction.

Persons injured by reason of neglect to keep in repair highways, etc., may recover damages.

SEC. 2. If any horse or other animal, or any cart, carriage, or vehicle, or other property, shall receive any injury or damage by reason of neglect by any township, village, city, or corporation to keep in repair any public highway, street, bridge, sidewalk, cross-walk or culvert, the township, village, city or corporation whose duty it is to keep such public highway, street, bridge, sidewalk, cross-walk or culvert in repair shall be liable to and shall pay the owner thereof just damages, which may be recovered in an action of trespass on the case before any court of common jurisdiction: *Provided*, That in all actions brought

Injury to property by reason of neglect to keep in repair highways, etc., damages for.

Proviso.

under this act it must be shown that such township, village or city has had reasonable time and opportunity after knowledge by or notice to such township, village or city that such highways, streets, bridges, sidewalks, cross-walk, or culvert have become unsafe, or unfit for travel, to put the same in the proper condition for use, and has not used reasonable diligence therein after such knowledge or notice.

Duty of townships, villages, etc., to keep in repair highways, etc.

SEC. 3. It is hereby made the duty of townships, villages, cities, or corporations to keep in reasonable repair, so that they shall be reasonably safe and convenient for public travel, all public highways, streets, bridges, sidewalks, cross-walks and culverts that are within their jurisdiction, and under their care and control, and which are open to public travel, and when the means now provided by law are not sufficient to enable any township, village or city to keep its public highways, streets, bridges, sidewalks, cross-walks and culverts in good repair such township, village or city is hereby authorized to levy such additional sum upon the taxable property of such township, village or city, not exceeding five mills on the dollar, in any one year, as will enable such township, village or city to keep its public highways, streets, bridges, sidewalks, cross-walks and culverts in good repair at all times. Highway commissioners, street commissioners, and all other officers having special charge of highways, streets, bridges, sidewalks, cross-walks, and culverts, and the care or repairing thereof are hereby made and declared to be the officers of the township, village, city, or corporation wherein they are elected or appointed, and shall be subject to the general direction of such township, village, city or corporate authorities in the discharge of their several duties.

Highway and street commissioners, etc., officers of townships, etc.

This act not to apply to certain highways.

SEC. 4. The provisions of this act shall not apply to public highways which have not been in use ten years; but nothing in this section shall be construed as exempting townships, villages and cities from maintaining their streets, bridges, sidewalks, cross-walks and culverts, and the approaches to bridges in a safe condition for public travel.

Townships, villages, etc., not liable for damages except under this act.

SEC. 5. No township, village or city in this State shall be liable in damages, or otherwise, to any person or persons for bodily injury, or for injury to any property sustained upon any of the public highways, streets, bridges, sidewalks, cross-walks or culverts, in such townships, villages, or cities, except under and according to the provisions of this act, and the common law liability of townships, villages and cities in this State, for or on account of bodily injuries sustained by any person by reason of neglect to keep in repair public highways, streets, bridges, sidewalks, cross-walks or culverts, is hereby abrogated.

Acts repealed.

SEC. 6. Act number two hundred and forty-four of the public acts of the year eighteen hundred and seventy-nine, being compiler's section [sections] one thousand four hundred and forty-two, one thousand four hundred and forty-three, one thousand four hundred and forty-four, one thousand four hundred and

forty-five and one thousand four hundred and forty-six of Howell's Annotated Statutes of Michigan is hereby repealed.

This act is ordered to take immediate effect.

Approved June 27, 1887.

[No. 265.]

AN ACT to protect fish and regulate fishing in the lakes, rivers and streams within and bordering the State, by providing close seasons for fishing, prohibiting the sale of certain kinds of fish, to protect persons engaged in fish culture, and to repeal sections five, six and nine of act number three hundred and fifty of the session laws of eighteen hundred and sixty-five, approved March twenty-one, eighteen hundred and sixty-five; act number two hundred and eleven of the session laws of eighteen hundred and sixty-five, approved March sixteen, eighteen hundred and sixty-five; act number eighty of the session laws of eighteen hundred and sixty-nine, approved March thirty, eighteen hundred and sixty-nine; act number one hundred and four of the public acts of eighteen hundred and seventy-seven, approved May nine, eighteen hundred and seventy-seven; act number two hundred and seventy-six of the public acts of eighteen hundred and eighty-one, approved June eleven, eighteen hundred and eighty-one; act number five of the public acts of eighteen hundred and eighty-three, approved February twenty-one, eighteen hundred and eighty-three; act number fifty-five of the public acts of eighteen hundred and eighty-three, approved April twenty-seven, eighteen hundred and eighty-three; act number one hundred and eighty-four of the public acts of eighteen hundred and eighty-three, approved June eight, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact*, That no person shall catch or take from any lake, river, or stream of this State, by any means whatever, any speckled trout or landlocked salmon from the first day of September in each year until the first day of May following thereafter; nor shall any person catch or take grayling or California trout, by any means whatsoever, from any such lake, river, or stream, from the first day of November in each year until the first day of June following thereafter; nor shall any person purchase, buy or sell any such fish during said prohibited time. In all prosecutions under this section it shall be *prima facie* sufficient on the part of the people to show that the defendant was found in possession of any such fish at any time within the period when the catching or taking of such fish is prohibited as aforesaid. It shall be lawful, however, for the State Board of Fish Commissioners to give permits in writing to any person to catch or take any such fish in such manner as they shall direct, the permit being limited as to time at any season of the year, for the purposes of propagation; but in case

Time in which certain fish may be caught, purchased, etc.

Possession of such fish, evidence.

Permits to catch for purpose of propagation.

Penalty for violating act. of any prosecutions for a violation of any of the provisions of this section such permission must be shown affirmatively by the defendant. Every offense against the provisions of this section shall subject all parties concerned in the breach thereof, whether the actual transgressors or accessories, to a penalty of not more than one hundred dollars, nor less than twenty-five dollars, with all costs of prosecution, or to imprisonment in the county jail for a period not exceeding thirty days, or both, at the discretion of the court.

Unlawful to kill any fish in certain manner. SEC. 2. It shall not be lawful hereafter at any time to kill or destroy, or attempt to kill or destroy, any fish in any of the waters of the State of Michigan by the use or aid of dynamite, herculean or giant powder, or any other explosive substance or combination of substances, or by the use of Indian cockle, or other substance or device which has a tendency to stupefy the fish; nor shall any person or persons take, catch or kill, or attempt to take, catch or kill by spearing any fish during the months of March, April, May and June in any of the waters of this State, except Lakes Michigan, Superior, Huron, Saint Clair, and Erie, and in Saginaw Bay; nor shall any person catch or take any fish with seines, pound nets, gill nets, or any species of nets, in any of the waters of the State, except Lakes Michigan, Superior, Huron and Erie, and bays and harbors connected with said lakes, Saginaw Bay and the Sault Ste. Marie, Saint Clair, Saginaw and Detroit rivers, nor shall any speckled or brook trout or grayling be caught, taken or killed at any time in any manner except by hook and line: *Provided*, It shall not be lawful to take, catch, or kill any fish in the Saint Clair river from and after January one, eighteen hundred and eighty-nine, in any manner whatsoever, excepting by hook and line: *And provided further*, That it shall not be lawful, at any time hereafter, to take, catch or kill or destroy, or attempt to take, catch or kill or destroy, any minnows or small fry fish in any of the waters of this State, for other purposes than for fish bait. Nothing in this act shall be construed as prohibiting sole owners of fish ponds from fishing therein as they may think proper, nor as preventing the Board of Fish Commissioners of this State from taking fish for breeding purposes at any time.

Spearing prohibited in certain months. SEC. 3. That hereafter it shall not be lawful for any person or persons to take or catch, by any means whatsoever, any brook trout, grayling or California trout from any stream in which brook trout, grayling or California trout are not native, and which may have been stocked with such fish by the State Board of Fish Commissioners, for the period of three years after the first planting of any such fish therein; or to capture in any manner, in any of the inland or public waters of the State, or have in his possession, brook trout, grayling, California trout or land-locked salmon of a less size than six inches in length. Any person violating any of the provisions of this act shall, on conviction thereof before any court of competent jurisdiction, be punished by a fine of not more than one hundred dollars, or by imprisonment in the jail of the county in which he shall be convicted for not exceed-

Exceptions.

Nets prohibited.

Exceptions.

Trout, etc., to be caught only with hook.

Proviso.

Further proviso.

Owners of ponds and Fish Commissioners excepted.

When certain fish may be caught in waters stocked by Commissioners.

Capture of certain fish less than six inches in length prohibited.

Punishment for violating act.

ing thirty days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. It shall not be lawful hereafter for any person to fish with any seine, net, or any other device for catching fish, within a radius of three hundred feet of or from any fish shute or ladder, or dam to which a fish shute or ladder is attached, nor to hinder or frighten fish from a free passage up or down a fish shute or ladder, under a penalty of ten dollars and costs for each offense.

Fishing near shutes, etc., in certain manner prohibited, etc.

SEC. 5. It shall not be lawful hereafter for any person or persons to catch or capture, by any means whatever, for the purpose of sale or shipment, nor to take, catch or capture and sell or ship for the purpose of sale, any brook trout or grayling from any of the public inland waters of this State. Any person violating the provisions of this section shall, on conviction thereof, be subject to a fine for each offense of not less than ten dollars, nor more than twenty-five dollars, or imprisonment in the county jail not less than ten nor more than thirty days, at the discretion of the court.

Brook trout, etc., not to be caught for sale, etc.

Penalty.

SEC. 6. That it shall not be lawful for any person or persons to place a weir-dam, fish-weir, or weir-net across any race, drain, stream, or inland river of this State, in such a manner as to obstruct the free passage of fish up and down the same; and any person violating the provisions of this act shall be liable to a penalty of not less than five nor more than fifty dollars for each such violation, and also for the payment of two dollars additional penalty for every day he shall continue to keep up such fish-weir net, in violation of this act, after having been duly notified by an elector of the township wherein such fish-weir or weir-net may be, feeling himself aggrieved thereby, to remove the same; said penalty or penalties to be recovered before any court of competent jurisdiction in the township or county where such offense shall have been committed.

Weir-dams, etc., prohibited.

Penalty.

SEC. 7. That it shall be unlawful for any person or persons to kill or take speckled trout or other fish from any private lake, pond or stream used for the propagation of such fish, except by the consent of the proprietor of such lake, pond or stream. Any person or persons violating this act shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not less than ten dollars and not exceeding one hundred dollars for each offense, and shall, on conviction thereof, stand committed to the county jail until such penalty is paid: *Provided*, That such imprisonment shall not exceed thirty days. A prosecution may be brought in the name of the people of the State of Michigan against any person or persons violating the provisions of this act before any justice of the peace in the county in which such violation is alleged to have taken place, or before any court of competent jurisdiction; and it is made the duty of the State Game and Fish Warden and all prosecuting attorneys in their respective counties in this State to see that the provisions of this act are enforced in their respective counties, and they shall prosecute all

Taking fish from private pond, etc., unlawful.

Penalty.

Provido.

Prosecution, where brought.

Whose duty to enforce this act.

Notices to be posted by owners of private ponds, etc.

offenses on receiving information of the violations of this act. It shall be the duty of the proprietor of any such private lake, pond, or stream who is engaged in the propagation of fish as contemplated by this act, to post or cause to be posted, in a conspicuous manner, public notices, painted on boards in large and plain letters, that the owner, naming him, is engaged in such business, and all persons are prohibited from killing, taking or catching any fish in the waters within the limits of such notices.

How nets, etc., may be set.

SEC. 8. That hereafter it shall not be lawful for any person or persons to set or place any trap, nets or other fishing apparatus in the main channel or course of the rivers or streams of this State, as provided for in section two of this act, in such a manner as to obstruct the free passage of fish up and down the same; nor shall it be lawful for any person or persons to place or set any such nets or apparatus so as to extend a further distance from the channel bank of said river than one-third of the whole breadth of the main channel of the same.

Provision as to bass, etc.

SEC. 9. It shall not be lawful hereafter to kill or capture the black, strawberry, green, or white bass, except with hook and line, in any lake, river, or stream in or bordering this State between the first day of March in each year and the fifteenth day of June thereafter; nor during the same time to kill or capture muskallonge; nor during the same time shall any person have in possession any such fish, buy or sell the same. Every offense against this section shall, upon conviction, be punished by a fine of twenty-five dollars and imprisonment until the fine is paid, not exceeding thirty days, except such as may have been taken by hook or line.

Penalty for violating this section.

Acts repealed.

SEC. 10. Sections five, six, and nine of act number three hundred and fifty of the session laws of eighteen hundred and sixty-five, approved March twenty-one, eighteen hundred and sixty-five; act number two hundred and eleven of the session laws of eighteen hundred and sixty-five, approved March sixteen, eighteen hundred and sixty-five; act number eighty of the session laws of eighteen hundred and sixty-nine, approved March thirty, eighteen hundred and sixty-nine; act number one hundred and four of the public acts of eighteen hundred and seventy-seven, approved May nine, eighteen hundred and seventy-seven; act number two hundred and seventy-six of the public acts of eighteen hundred and eighty-one, approved June eleven, eighteen hundred and eighty-one; act number five of the public acts of eighteen hundred and eighty-three, approved February twenty-one, eighteen hundred and eighty-three; act number fifty-five of the public acts of eighteen hundred and eighty-three, approved April twenty-seven, eighteen hundred and eighty-three; act number one hundred and eighty-four of the public acts of eighteen hundred and eighty-three, approved June eight, eighteen hundred and eighty-three, are hereby repealed.

Approved June 27, 1887.

[No. 266.]

AN ACT to amend section three of chapter four, section two of chapter five, and sections one, two, three, four, five, nine, ten, eleven, twelve and thirteen of chapter twelve of act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," approved May twenty-one, eighteen hundred and eighty-one, the same being compiler's sections five thousand and eighty, five thousand one hundred and one, five thousand one hundred and fifty, five thousand one hundred and fifty-one, five thousand one hundred and fifty-two, five thousand one hundred and fifty-three, five thousand one hundred and fifty-four, five thousand one hundred and fifty-eight, five thousand one hundred and fifty-nine, five thousand one hundred and sixty, five thousand one hundred and sixty-one and five thousand one hundred and sixty-two of Howell's Annotated Statutes, as amended by act number ninety-three of the public acts of eighteen hundred and eighty-three, approved May sixteen, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact, That* section three of chapter four, section two of chapter five, and sections one, two, three, four, five, nine, ten, eleven, twelve and thirteen of chapter twelve of act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," approved May twenty-one, eighteen hundred and eighty-one, the same being compiler's sections five thousand and eighty, five thousand one hundred and one, five thousand one hundred and fifty, five thousand one hundred and fifty-one, five thousand one hundred and fifty-two, five thousand one hundred and fifty-three, five thousand one hundred and fifty-four, five thousand one hundred and fifty-eight, five thousand one hundred and fifty-nine, five thousand one hundred and sixty, five thousand one hundred and sixty-one, five thousand one hundred and sixty-two of Howell's Annotated Statutes, as amended by act number ninety-three of the public acts of eighteen hundred and eighty-three, approved May sixteen, eighteen hundred and eighty-three, be and the same are hereby amended so as to read as follows:

Sections amended.

CHAPTER IV.

SEC. 3. On the third Monday in September in each year the inspectors shall make triplicate reports, setting forth the whole number of districts in their townships, the amount of money raised and received for township and district libraries, and such

Inspectors to make triplicate reports.

Township
clerks, duties
relative thereto.

other items as shall from year to year be required by the Superintendent of Public Instruction, together with the several particulars set forth in the reports of the school directors for the preceding year; and the township clerk shall, within ten days thereafter, forward two copies of the same to the secretary of the county board of school examiners, and file the other copy in his office.

CHAPTER V.

County clerk to
examine re-
ports, etc.

SEC. 2. The clerk of each county shall, on receiving from the secretary of the county board of school examiners the annual reports of the several boards of school inspectors, file the same in his office. On receiving notice from the Superintendent of Public Instruction of the amount of moneys apportioned to the several townships in his county he shall file the same in his office, and forthwith deliver a copy thereof to the county treasurer.

Notice of appor-
tionment of
moneys.

CHAPTER XII.

Election of
school exam-
iners.

SECTION 1. The chairmen of the boards of school inspectors of the several townships in each county shall meet at the office of the county clerk of their county on the first Tuesday in August in each year and elect by ballot one school examiner, who shall hold his office for two years, or until his successor shall have been duly elected and qualified: *Provided*, That in the year eighteen hundred and eighty-seven there shall be no election of examiner, but the two examiners previously elected whose terms of office shall not have expired shall hold for the unexpired portions of the terms for which they were elected. The county clerk shall be the clerk of such elections in all cases, and in case of a tie shall give the casting vote, and he shall preserve a record of such election in a book to be kept for that purpose, and shall immediately, after such election, notify the person so elected of his election. The school examiners shall, within ten days after receiving notice of their election, take and subscribe the constitutional oath of office, the same to be filed with the county clerk, and shall enter upon the duties of their offices on the fourth Tuesday of August following their election.

Proviso.

Clerk of elec-
tion, etc.

Oath of office,
etc.

Appointment of
secretary of
board of exam-
iners.

SEC. 2. The two school examiners elected by the township chairmen shall meet at the office of the judge of probate of the county on the fourth Tuesday of August of each year, and with the judge of probate, who shall act as a member and clerk of the board for the purpose herein named, shall elect, appoint and employ a secretary of said board of examiners. The judge of probate shall, immediately after the board has appointed a secretary, file a certified statement of such fact with the county clerk, and said county clerk shall immediately notify the person appointed as secretary of his appointment, and said secretary shall, within ten days after receiving notice of his appointment, take and subscribe the constitutional oath of office, the same to

Oath of secre-
tary.

be filed with the county clerk. He shall also execute a bond with two sufficient sureties, to be approved by and filed with the county clerk, in the penal sum of five hundred dollars, conditioned that he will faithfully discharge his duties according to law, and faithfully account for and pay over to the proper persons all moneys which may come into his hands by reason of his holding such office; and thereupon the county clerk shall report the name and postoffice address of such secretary to the Superintendent of Public Instruction, and said secretary shall immediately thereafter enter upon the duties of his office. The secretary of the board shall be *ex-officio* a member and the executive officer of the board of examiners in the transaction of all business of said board, except in the appointing or removing from office of the secretary of said board. The school examiner elected by the township chairmen, whose term of office shall soonest expire, shall be the chairman of the board of examiners.

Bond, duties,
etc.

Chairman of
board of exam-
iners.

SEC. 3. The secretary of the board of school examiners, for the purpose of examining all persons who may offer themselves as teachers for the public schools, shall hold two regular public examinations in each year at the county seat, which examinations shall be on the first Thursday of March and August; for a like purpose said secretary shall also hold not to exceed six special public examinations at such times and places as, in the judgment of said board of examiners, the interest of the schools and teachers of the county shall require: *Provided*, That first and second grade certificates shall be granted only at the regular public examinations provided for in this section: *Provided, further*, That it shall be the duty of the secretary of the board of school examiners to make out a schedule of the times and places of holding special examinations, and to cause it to be published in one or more newspapers of the county at least ten days before each special examination, and he shall send a copy thereof to the chairman of each township board of school inspectors of the county at least ten days previous to the time of holding any special examination.

Public examina-
tions to be held
by secretary.

Providio.

Further
proviso.

SEC. 4. The board of school examiners shall meet on the Saturday following each public examination held by the secretary and shall grant certificates to teachers in such form as the Superintendent of Public Instruction shall prescribe, licensing as teachers all persons who shall have attained the age of sixteen years, who have attended said public examinations and who shall be found qualified in respect to good moral character, learning and ability to instruct and govern a school; but no certificate shall be granted to any person who shall not pass a satisfactory examination in orthography, reading, writing, grammar, geography, arithmetic, theory and art of teaching, United States history, civil government, and physiology and hygiene with particular reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system. All certificates shall be signed by the secretary and chairman of said board. No person shall be considered a qualified teacher within the meaning of the school

Board of exam-
iners to meet
and grant cer-
tificates.

To whom cer-
tificates not to
be granted.

Who may be em-
ployed as
teachers.

- law, nor shall any school officer employ or contract with any person to teach in any of the public schools who has not a certificate in force granted by the board of school examiners of the county or other lawful authority: *Provided*, That all examination questions shall be prepared and furnished by the Superintendent of Public Instruction to said secretary, under seal, to be opened before the applicants for certificates on the day of examination.
- Proviso.** *Sec. 5.* There shall be three grades of certificates granted by the board of school examiners, in its discretion, and subject to such rules and regulations as the Superintendent of Public Instruction may prescribe, which grades of certificates shall be as follows: The certificate of the first grade shall be granted only to those who shall have taught at least one year with ability and success, and it shall be valid throughout the State for three years: *Provided*, That no first grade certificate shall be valid in any county other than that in which it was issued unless a copy of said certificate is filed with the secretary of the county board of examiners of the county in which the holder of said certificate desires to teach. The certificate of the second grade shall be granted only to those who shall have taught at least six months with ability and success, and it shall be valid throughout the county for which it shall be granted for two years. The certificate of the third grade shall license the holder thereof to teach in the county for which it shall be granted for one year: *Provided*, That the secretary of the board of school examiners, or any other member of the board authorized by said secretary, shall have power, upon personal examination satisfactory to himself, and subject to such rules and regulations as the board of school examiners may establish, to grant special certificates, which shall license the holder thereof to teach in a specified district for which it shall be granted; but such certificate shall not continue in force beyond the time of the next public examination, and it shall not in any way exempt the teacher from a full examination: *Provided further*, That in case the holder of a special certificate does not appear for examination before the board at the next public examination succeeding the date of such special certificate, a second special certificate shall not be granted to such person except by order of the board of examiners, nor shall any member of the board of examiners, unless authorized by the board, grant a special certificate to any person who at a previous examination failed to secure a certificate.
- Grades of certificates.**
- First grade.**
- Second grade.**
- Third grade.**
- Proviso as to special certificates.**
- Further proviso.**
- Duty of secretary of board of examiners.** *Sec. 9.* It shall be the duty of the secretary of the board of school examiners:
- First*, Immediately upon his qualification as secretary to send notice thereof to the Superintendent of Public Instruction, and to the chairman of each township board of school inspectors of the county;
- Second*, To be present at all meetings of the board, and to keep a record of all proceedings of the board;
- Third*, To keep a record of all examinations held by the board, and to sign all certificates and other papers and reports issued by said board;

Fourth, To act as treasurer of the board for the purpose of receiving the institute fees provided by law, and paying the same to the county treasurer, once in each month;

Fifth, To keep a record of all certificates granted, suspended or revoked by the board, showing to whom issued, together with the date, grade, and duration of each certificate, and if suspended or revoked, the date and reason therefor;

Sixth, To furnish, previous to the first Monday in September in each year, to the township clerk of each township in the county, a list of all persons legally authorized to teach in the county at large and in such township, with the date and term of each certificate, and if any have been suspended or revoked, the date of such suspension or revocation;

Seventh, To visit each of the schools in his county at least once each year and to examine carefully the discipline, the mode of instruction, and the progress and proficiency of the pupils: *Provided,* That in case the secretary is unable to visit all the schools of the county, as herein required, he may, with the approval of the other members of the board of examiners, appoint such assistant visitors as may be necessary, who shall perform such duties pertaining to the visitation and supervision of schools as said secretary shall direct;

Eighth, To counsel with the teachers and school boards as to the courses of study to be pursued, and as to any improvement in discipline and instruction in the schools;

Ninth, To note the condition of the school-houses and the appurtenances thereto, and to suggest plans for new houses to be erected, and for warming and ventilating the same, and for the general improvement of school-houses and grounds;

Tenth, To promote by such means as he may devise, subject to the advice of the board of school examiners, the improvement of the schools in his county and the elevation of the character and qualifications of the teachers and officers thereof;

Eleventh, To receive the duplicate annual report of the several boards of school inspectors, examine into the correctness of the same, requiring them to be amended when necessary, endorse his approval upon them, and immediately thereafter, and before the first day of November in each year, transmit to the Superintendent of Public Instruction one copy of each of said reports, and file the other copy in the office of the county clerk;

Twelfth, To be subject to such instructions and rules as the Superintendent of Public Instruction may prescribe, to receive all blanks and communications that may be sent to him by the Superintendent of Public Instruction, and to dispose of the same as directed by the said Superintendent, and to make annual reports at the close of the school year to the Superintendent of Public Instruction of the official labor performed by the board of school examiners, and by himself, and of the general condition and management of the schools of the county, together with such other information as may be required of him;

Thirteenth, To perform such other duties as may be required of him by law, or the board of school examiners, and at the close of his term of office to deliver all records, books and papers belonging to his office to the board of examiners.

Duty of chairman of township board of inspectors.

(§135.) SEC. 10. It shall be the duty of the chairman of the board of school inspectors of each township:

First, To have general supervisory charge of the schools of his township, subject to such advice and direction as the secretary of the county board of examiners may give;

Second, To notify the secretary of the board of school examiners of any school within his township that is not being conducted in a successful and profitable manner;

Third, To make such reports of his official labors and the condition of the schools as the Superintendent of Public Instruction may direct, or the board of school examiners request;

Fourth, To perform such other duties as may be required of him by law, or that the Superintendent of Public Instruction may direct.

Compensation of board of examiners.
Compensation of secretary of board.

Proviso

SEC. 11. Each member of the board of school examiners, other than the secretary, shall receive four dollars for each day actually employed in the duties of his office. The compensation of the secretary of the board of examiners shall be determined by the board appointing him, as provided for in section two of this act: *Provided*, In counties having thirty districts or less such compensation shall not exceed three hundred dollars per annum; in counties having more than thirty districts such compensation shall be not to exceed at the rate of ten dollars for each district coming under the provisions of this act, but in no case shall the salary of the secretary of the board of examiners be more than fifteen hundred dollars per annum. The compensation of any assistant visitor, when appointed as provided in this act, shall be determined by the board of school examiners, but in no case shall it exceed three dollars for each day: *Provided*, That the number of days so employed shall not exceed thirty in any one year necessarily devoted to the duties required of him. The compensation of each member of the board of school examiners, including the secretary and any assistant visitor, shall be paid quarterly from the county treasury upon such member filing with the county clerk a sworn statement of his account, signed by the chairman and secretary of the board of school examiners, and obtaining an order from the county clerk upon the county treasurer for the amount of such account: *Provided*, That in no case shall the secretary of the board of examiners receive any order for his compensation from the county clerk until he has filed a certified statement from the Superintendent of Public Instruction that all required reports have been properly made and filed with said Superintendent. The necessary contingent expenses of the board of examiners for printing, postage, stationery, record books and rent of room for public examinations shall be audited and allowed by the board of supervisors of the county, but shall in no county exceed the sum of two hundred dollars per annum, but

Compensation of assistant visitor.

Proviso.

Payment of compensation.

Proviso.

Contingent expenses of board.

no traveling fees shall be allowed to the secretary or any member of the board of examiners, or to any assistant visitor. The compensation of the several chairmen of the township boards of school inspectors, when in attendance at the annual meeting for the election of school examiners and the annual joint meeting with the board of school examiners, shall be the same as is allowed to members of the board of supervisors of the county, and when performing other duties required of him, as provided in this act, the same as is allowed to school inspectors by law: *Provided*, Said chairman shall not receive to exceed two dollars for each school district in the township, the same to be audited by the township boards of their respective townships, and paid as other expenses of the township.

Compensation
of chairman of
township
boards

Provided.

SEC. 12. Any member of a board of school examiners, other than the secretary, may be removed from office by the judge of probate of the county for immorality, incompetency, or neglect of duty. The secretary of the board of examiners may be removed for like causes by the members of the board of examiners selected by the township chairmen, acting jointly with the judge of probate; but no member of such board of school examiners, nor the secretary, shall be removed from office without an opportunity to answer to the charges made against him, and all such charges shall be made in writing. Whenever by death, resignation, removal, or otherwise a vacancy shall occur in the board of school examiners of any county, other than in the office of secretary, the judge of probate of such county shall have power to fill such vacancy until the first Tuesday in August after his appointment, at which time an examiner shall be elected to fill the unexpired term, by the chairman of the boards of the school inspectors of the several townships in the county. Whenever a vacancy occurs in the office of secretary it shall be filled in the same manner as is provided for the appointment of secretary, in section two of this chapter, and shall be for the unexpired portion of the term for which the vacating secretary was appointed.

Removal of
members of
board.

Removal of
secretary.

Vacancy in
board.

Vacancy in
office of secre-
tary.

SEC. 13. All schools which by special enactment may have a district board authorized to inspect and grant certificates to the teachers employed by the same shall be exempt from the provisions of this chapter as to the examination and licensing of teachers. The officers of every school district which is or shall hereafter be organized in whole or in part in any incorporated city in this State, where no special enactments shall exist in regard to the licensing of teachers, shall have power to examine and license, or cause to be examined and licensed, or may require the county board of examiners to examine and license, teachers for such district, and such license shall be valid not to exceed three years. All city schools having a superintendent employed by their respective boards of education shall be exempt from the provisions of this chapter as to the examination and licensing of teachers, and as to the supervision of schools. But all such schools shall, through their proper officers, make such reports as the Superintendent of Public Instruction shall direct.

Schools exempt
from provisions
of this act.

Approved June 27, 1887.

[No. 267.]

AN ACT to amend section fifty-seven of chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, relative to the courts of chancery, as amended by the several acts amendatory thereof, and being compiler's section six thousand six hundred and forty-seven of Howell's Annotated Statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-seven of chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, relative to the courts of chancery, as amended by the several acts amendatory thereof, and being compiler's section six thousand six hundred and forty-seven of Howell's Annotated Statutes, be amended so as to read as follows:

Either party
may examine
witnesses in
open court and
have right to a
jury.

(§6647.) SEC. 57. Either party to a cause in chancery shall have the right to an examination of all the witnesses in the case in open court as in a suit at law, if within ten days after the cause is at issue he gives notice in writing to the opposite party of his intention to claim such right, in which case no commissioner shall issue a commission, nor examination of witnesses be had before a circuit court commissioner, but the case shall be heard in its course on the calendar, by examination of witnesses in open court, unless the court, on cause shown, shall otherwise direct, as in a suit at law, and either party shall also be entitled to the right to a jury, to be demanded in the same manner as in a suit at law, and the verdict of such jury on any question of fact shall have the same force and effect in the circuit [court] in chancery, and in the supreme court on appeal, as the verdict of a jury in an action at law. Whenever a jury is demanded, as aforesaid, an issue or issues shall be framed under the direction of the court, if, in the opinion of the court, such issue shall be necessary to be submitted to such jury, and in all cases of trial in open court, whether with or without a jury, it shall be the duty of the court trying said cause to rule upon all questions of admissibility of testimony in the same manner and with the like effect as in a suit at law: *Provided*, That if such notice of trial in open court shall not be given in manner aforesaid, a commission may be issued and the testimony taken before a circuit court commissioner, as provided by the rules and practice of said court: *And provided further*, That in case any cause in chancery shall be tried in open court, either party shall be entitled to make and settle a case, setting forth the evidence at large before the judge who tried the same, at such time and in such manner as said judge shall direct, or as shall be prescribed by the rules of said court, and such cause being made and filed within sixty days after the entry of the final order, or decree therein, the same shall be deemed to be the evidence and proceedings therein, to the same extent and with the like effect as if the testimony had been taken before a circuit court commissioner, and the cause

Issue to be
framed, etc.

Provido as to ex-
amination be-
fore circuit
court com-
missioner.

Case setting
forth evidence
may be made
before judge.

Deemed evi-
dence.

conducted [according] to the ordinary practice in chancery: *And provided further*, That in case the cause shall have been tried by a jury on demand of either of the parties, either party shall in like manner be entitled to make and settle a case as provided in this section, and it shall not be necessary to set forth in such case all the testimony given upon such trial, but only so much thereof as may be necessary to a clear understanding of the questions of law arising therein: *And provided further*, That the circuit court in which the case shall have been tried, or the judge thereof, shall have power, on special motion and proper showing, to grant an extension of the time for making and filing such case for a period not exceeding three months from and after the date of the entry of such decree or final order, and upon the case so made and filed an appeal may be taken to the supreme court by any of the parties, as in ordinary chancery cases.

Settling a case as to question of law.

Extension of time.

Appeal.

Approved June 27, 1887.

[No. 268.]

AN ACT to amend sections two and three of act number one hundred and sixty-seven of the public acts of eighteen hundred and eighty-three, entitled "An act to promote public health," approved June sixth, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact*, That sections two and three of act number one hundred and sixty-seven of the public acts of eighteen hundred and eighty-three, entitled "An act to promote public health," approved June six, eighteen hundred and eighty-three, be and the same are hereby amended so as to read as follows:

Section amended.

SEC. 2. The necessary qualifications to practice medicine in this State shall be:

Qualification to practice.

First, That every person who shall [have] actually practiced medicine continuously for at least five years in this State, and who is practicing when this act shall take effect, shall be deemed qualified to practice medicine in this State, after having registered in the office of the county clerk as provided by this act.

Second, Every graduate of any legally authorized medical college in this State or any [one] of the United States, or in any other country, shall be deemed qualified to practice medicine and surgery in all its departments after having registered as provided in this act: *Provided*, That the provisions of this act shall not be construed so as to prohibit any student or under-graduate from practicing with and under the immediate supervision of any person legally qualified to practice medicine and surgery under and by the provisions of this act: *Provided*, That every person qualified to practice medicine and surgery under the provisions of this act shall, within three months after this act shall take effect, file with the county clerk of the county wherein he has been engaged in practice, or in which he intends to practice, a statement,

Proviso as to students, etc.

Proviso as to filing statement.

sworn to before any officer authorized to administer oaths in said county, setting forth, first, if he is actually engaged in practice in said county, the length of time he has been engaged in such continuous practice, and if a graduate of any medical college, the name of the same and where located, when he graduated, and the length of time he attended the same, also the school of medicine to which he belongs. And if he is a student or under-graduate, the length of time he has been engaged in the study of medicine, and where, and if he has attended a medical college, the name of the same and where located, and the length of time so attended and when, also the name and residence of the physician under whose instruction he is practicing or intends to practice. It shall be the duty of the county clerk of each county in this State to record in a book to be provided by the county, the affidavit (or sworn statement) of every physician practicing in said county. For recording each statement the county clerk shall receive fifty cents, to be paid by the person filing the same.

Supervisor to make out list of physicians, students, etc.

SEC. 3. It shall be the duty of the supervisor, at the time of making the annual assessment in each year, to make out a list of all the physicians and each student practicing under the instruction of a preceptor residing within his township, village, ward, or city, with the name, age, sex and color of each and the length of time each has been engaged in practice, and if a graduate of a regularly established and reputable college, the name of the college and the date of graduation. Such list shall be returned by the supervisor to the township, village, or city clerk, and by the clerk recorded in the book in which are kept the records of the local board of health, and annually on or before the first day of January such clerks shall furnish certified lists of the same to the secretary of the State Board of Health.

Approved June 27, 1887.

[No. 269.]

AN ACT to amend chapter three [III.] of title nine [IX.], of Howell's Annotated Statutes, entitled "Of highways, bridges, private roads and ferries," [by] adding thereto three new sections to stand as sections sixteen, seventeen and eighteen.

Chapter amended.

SECTION 1. *The People of the State of Michigan enact*, That chapter three of title nine of Howell's Annotated Statutes, entitled "Of highways, bridges, private roads and ferries," be and the same is hereby amended by adding thereto three new sections to stand as sections sixteen, seventeen, and eighteen, and to read as follows:

When commissioner may authorize improvement of road.

SEC. 16. The commissioner of highways of any township, upon the written petition of not less than three persons, tax-payers in the township, and liable for road tax on the road proposed to be improved, may authorize the improvement of all or any portion of road described in said petition, said road to be situate within the township. The commissioner of highways of the

township in which such road is situated shall furnish a grade for such road and direct the manner in which such road shall be graded: *Provided*, That it shall not be graded more than sixteen feet wide, or graveled more than twelve feet wide. He shall also designate the time in which said road shall be completed. Upon the satisfactory completion of said road the commissioner of highways shall make an estimate of the work done by each party working on said road, as provided under the general road law, and shall issue certificates therefor, stating the number of days of work done, stating when authority was granted to improve such road, and when the same was completed in his township and accepted by him. In case of dispute between the commissioner of highways and any person interested in such improvement, as to the manner of making the same, or the value of the work, the matter in dispute shall be submitted to the supervisor of the township, and his decision shall be final.

Proviso as to width of grade, etc.

Certificate of work done by parties working on road to be made.

Disputes, how settled.

SEC. 17. The holder of such certificates shall be entitled to have credit therefor, to the full amount of his certificate, or certificates, on any road tax payable in labor, that may be levied on the property of such person, situated within the township, after the completion of such improvement. If such road tax levied in any one year on such property is not sufficient to cover the amount of the certificate or certificates, the same shall in like manner be credited from year to year, not to exceed three, until the certificate or certificates are fully paid, without interest. At the time of making such credit on the certificate the commissioner of highways shall issue and deliver to the holder thereof a receipt for the road tax charged against such person for the current year, and the holder of the certificate may transfer the same, or any balance due thereon, to any subsequent purchase [purchaser] of the property owned by him when the certificate was issued.

Payment of certificates.

Receipts for road tax to be given, etc.

SEC. 18. The highway commissioners, at the time of authorizing such improvement, shall direct in their orders at what point the materials therefor shall be taken, by virtue of the provisions of the general laws in force for procuring materials for the improvement of public roads, which point shall be the nearest and most convenient place where the materials can be procured in the township.

Materials for improvements.

Approved June 27, 1887.

[No. 270.]

AN ACT to establish, protect and enforce the rights of mechanics and other persons furnishing labor or materials for the erection, altering, repairing or ornamenting of buildings, machinery, wharves and all other structures, and to repeal act number two hundred and fifty-eight of the session laws of eighteen hundred and seventy-nine, and all acts amendatory thereof, relating to mechanics' liens.

Who may have
lien for labor,
material, etc.,
and on what.

Proviso as to
improvements
on homestead.

Further proviso
as to lands
owned, etc.,
by married
women.

Lien not to be
defeated by con-
tract, etc.

Lawful for
owner, etc., to
pay certain
claims.

SECTION 1. *The People of the State of Michigan enact, That every person who shall, in pursuance of any contract, express or implied, written or unwritten, existing between himself and the owner, part owner or a lessee of any interest in real estate, or between himself and any contractor or sub-contractor, perform any labor or furnish any materials in or for the building, altering, repairing or ornamenting of any building, machinery, wharf or other structure, shall have a lien therefor upon such building, machinery, wharf or other structure and its appurtenances and also upon the entire interest of such owner, part owner or lessee in and to the lot of [or] piece of land not exceeding one quarter section, or, if within any incorporated city or village, not exceeding the lot or lots upon which such improvements are made at the time such labor was commenced or such materials were commenced to be furnished, subject to the provisions of section ten of this act: *Provided, That in case such improvements are made upon any homestead, such lien shall not attach unless the contract, so existing between such owner, part owner, or lessee, and the person so performing such labor or furnishing such materials, or between such owner, part owner, or lessee and the original contractor, if there be one, and for the carrying out and completion of which such labor is performed, or materials furnished, be in writing briefly describing the premises upon which such improvements are made, or are to be made, and signed by such owner, part owner or lessee thereof, and by his wife, if he have one: *Provided further, That if any such labor is performed or materials furnished for the purpose [purposes] aforesaid upon lands owned by any married woman, or in which she owns an interest, or is lessee thereof, with her knowledge or consent, either express or implied, in pursuance of any contract made with her husband, or with any contractor or sub-contractor of said husband, then the person performed [performing] such labor, or furnishing such material [materials] shall have a lien upon the premises in the same cases and to the same extent as though the contract had been made with such married woman in person; and the furnishing of such material, or the performing of such labor under such contract or sub-contract in an open and public manner shall be sufficient evidence in all courts of the knowledge and consent of such married woman thereto, if she be a resident of this State.***

SEC. 2. Such lien shall not be defeated by any contract, agreement, or understanding between the owner, part owner, or lessee of the real estate upon which such improvements are made, or for which such materials are furnished, and the original, or any sub-contractor, or by any payment made by such owner, part owner, or lessee, to such contractor or sub-contractor for the contract price of such labor or material [materials] or any part thereof, in case the person performing such labor, or furnishing such material, shall labor comply with the provisions of this act. In all cases where such is performed, or material [materials] furnished in pursuance of any contract, express or implied, between the persons so performing the labor, or furnishing the materials, and any contractor or sub-con-

tractor, it shall be lawful for the owner, part owner, or lessee of the premises or of any interest therein, as aforesaid, to pay to the persons entitled thereto all just claims for labor performed, or materials furnished, which might, under the provisions of this act, become a lien on such premises, upon the person originally liable to pay such claims neglecting or refusing to pay the same, or any part thereof, for the space of twenty days after the same shall have become due and payable, upon the persons so presenting such claims making out and presenting an itemized statement thereof, to which shall be attached an affidavit made by the person so performing such labor, or furnishing such material, or by some one having knowledge thereof, showing that such labor has actually been performed, or materials furnished, and the actual price or value thereof, and the amount then actually due over and above all set-offs or counter claims; and payment when so made shall operate as a discharge and satisfaction to the extent thereof of any contract which may exist between such owner, part owner, or lessee, of any interest in real estate upon which such improvements are made, or the contractor or sub-contractor or other person. Any person swearing falsely to any material allegation contained in the aforesaid affidavit, so attached to such statement of account, shall be deemed guilty of perjury, and upon conviction thereof shall be punished according to the provisions of any statute of this State applicable to the crime of perjury.

When.

Payment to apply on contract, etc.

Penalty for false swearing

SEC. 3. Such lien shall not attach unless the person entitled thereto shall file in the office of the register of deeds for the county in which said premises, or some part thereof, are situated, within sixty days after the completion of such labor or the furnishing of the last of such material, a notice thereof substantially in the following form, signed by himself, his agent, or attorney, and duly verified by the person so signing the same, viz:

Notice to be filed by claimant.

STATE OF MICHIGAN, }
COUNTY OF } ss.

Form of notice.

To all whom it may concern: Take notice that I intend to claim a lien on the following described premises and appurtenances for labor performed, or to be performed, or for materials furnished, or to be furnished, or both, as the case may be, in building or repairing, or ornamenting the building, machinery, wharf, or other structure thereon. The performance of such labor, or the furnishing of such material, or both, was begun on the day of 18...., or is intended to be commenced; the amount due thereof, or to become due thereof, as the case may be, is... ..dollars, over and above all legal set-offs, which premises are described as follows, viz:

A copy of which notice shall within ten days after [such] filing be served on the owner, part owner, or lessee of such premises, or, in his absence from the county, on his agent having charge of such premises, if either of such persons can be found within the county; but if neither of such persons can be found within the county where such premises are situated, then such copy shall be

Copy of notice to be served on owner, etc.

Proof of service
and filing of.

Fees of register
of deeds for fil-
ing.

Effect of filing
notice.

Lien to continue
for sixty days
after completion
of work, etc.

Person filing
lien to furnish
owner, etc.,
statement of
value of labor,
material, etc.

Detailed state-
ment of amount
of lien to be
filed.

served by posting the same in some conspicuous place on said premises within five days after [the] same might have been served personally, could the principal or agent, as aforesaid, have been found. Proof of such service and the date and manner thereof shall be made by affidavit of the persons serving or posting the same, which affidavit, with a copy of said notice annexed thereto, shall be filed in the office of the register of deeds for the county before any subsequent steps shall be taken for the enforcement of said lien. The register of deeds, upon receipts [receipt] of fifty cents, as his fees therefor, shall file such notice and proof of service thereof and all papers subsequently filed with him relating to said lien, and shall index the same in a book to be kept by him for that purpose, noting therein the time of such filing and the amount claimed in said notice of lien. The filing of such notice and proof of service, as aforesaid, shall operate as and have the same force and effect upon the premises therein described as liens created by levy or writs of attachment, or execution as, of, and from the time when the first of such labor was performed, or the first of such material furnished as stated in such notice, subject, however, to the provisions of section ten of this act, and such lien so created shall continue for sixty days after the filing of such notice, when the same is filed after the completion of the labor, or the furnishing of the last of the materials for which said lien is claimed, or sixty days after the completion of the labor, or the furnishing of the last of the material, as aforesaid, when filed before, unless sooner discharged, as hereinafter provided, except in cases where the debt for which the lien is sought does not mature in such period, in which case such lien shall continue sixty days after the maturity of the debt in case proceedings are taken to enforce such lien as hereinafter provided.

SEC. 4. The person filing such notice of claim of lien, when such notice is filed before the completion of the labor or the furnishing of the last of such materials, shall from time to time, when required by such owner, part owner, or lessee of the premises, his agent or attorney, and within five days after the demand thereof furnish to him a detailed statement of the amount and value of labor performed, and materials furnished to date of statement and then unpaid for, and for which a lien is claimed, a copy of which statement he shall file at the same time, as near as may be, with the register of deeds of the proper county, provided such statement shall not be required oftener than once in any period of ten days. Within thirty days after the filing of such notice, when filed after the completion or such labor, or the furnishing of the last of such materials, and before any proceedings shall be taken to enforce such lien as provided in the next section, the person filing the same, his agent or attorney, shall make and file with the register of deeds a detailed statement of such claim, with the amount claimed to be due over and above all legal set-offs, which statement must be verified by the oath of some person having knowledge of the correctness of the same; a copy of which statement and of the veri-

fication thereof during the said time shall be served on such owner, part owner, or lessee of said premises, his agent or attorney, if within the county and known to the person so filing said statement or claiming such lien, proof of which service and of the date and manner thereof, when the principal or agent, if found, or the contrary, when such fact may exist, shall be filed with the register of deeds before any subsequent proceedings are taken.

Copy to be served on owner, etc.

SEC. 5. Proceedings to enforce such lien shall be had only in courts of law, and shall be begun within sixty days after the filing of such notice of claim of lien, or the completion of such labor, or the furnishing of the last of such materials, or within sixty days after the whole of the debt covered thereby shall have matured, if not due at the time of filing such notice, otherwise such lien shall cease. Proceedings to enforce such lien shall be brought and maintained against the owner, part owner, or lessee of the premises to be affected thereby, as defendant, jointly with the person or persons justly obligated to pay such claims. When the amount claimed to be due over and above all legal set-offs in the statement mentioned in the preceding section exceeds the sum of one hundred dollars, the proceedings for the enforcement of such lien shall be had in the circuit court for the county where the premises, or some part thereof, are situated. When the amount claimed as aforesaid is one hundred dollars or less the proceedings shall be had before some justice of the peace of the township where the premises, or some part thereof, were situated, or of some adjoining township of the same county, at the option of the person instituting such proceedings. When such proceedings are had in the circuit court they may be commenced by summons or declaration, in the same manner as suits in assumpsit, except the process by which such suit is commenced shall contain a recital of the fact of the filing of such notice with the register of deeds, and the date of such filing, together with a brief description of the premises against which such lien is sought to be enforced and the true amount, as near as may be, of such claim. All the subsequent pleadings and proceedings shall be the same, as near as may be, as in actions of assumpsit, except when proceedings are commenced by summons; the declaration filed therein shall also contain the same recital as are required in the summons, and in the entry of the judgment in such cause the journal entry thereof, and any execution issued for the enforcement of the same shall contain the same recitals, and in addition thereto shall show that the judgment so rendered was for labor performed, or materials furnished, as the case may be. Any declaration filed as commencement of suit or otherwise, for the enforcement of such lien, shall be deemed sufficient if it contain the usual common counts in assumpsit, together with the recitals hereinbefore required, but the defendant shall be entitled, upon demand, to a bill of particulars as in other cases. If, upon the trial of said cause, it shall appear that said plaintiff is entitled to recover less than one hundred dollars, such fact shall

Proceedings to enforce lien, when to be commenced.

Against whom brought and where.

How commenced.

Subsequent proceedings.

Render of judgment.

not oust the court of jurisdiction, but judgment shall be rendered as justice shall require, and the amount of costs to be awarded the plaintiff shall be in the discretion of the court, and if it shall appear on the trial of said cause that the claim so made by said plaintiff for any cause is not a lien upon the premises in said declaration described, but is a legitimate claim against some one or more of the defendants therein named, then judgment shall be rendered in the usual form against such defendant or defendants as may be found liable, and the same shall be dismissed as against the owner, part owner, or the lessee of the premises in said declaration described, together with such costs as the court in its discretion may award. Such summons or declaration may be served in any county of the State in the same manner as in action of assumpsit, when all the defendants can be found within this State; but when personal service cannot be obtained on account of the absence of any such defendants from this State, the plaintiff shall, within thirty days after the return day of the writ of summons, or after the expiration of thirty days, and before the expiration of sixty days after the filing of such declaration, where suit is begun by declaration, cause notice of the commencement of such suit, the date thereof, with a statement of the nature of such claim, and the actual amount claimed to be due, with a description of the premises upon which such lien is claimed, to be published for three successive weeks in some newspaper published in the county where the premises are situated, if there be one, if not, then in some newspaper published in an adjoining county. Proof by affidavit of the publisher or printer or such newspaper that such notice has been duly published as required by this section, filed in the cause, shall be sufficient to give the court jurisdiction of the person of such absent defendant, when the same proceedings shall be had in the cause as in cases of personal service. Executions issued on judgment [judgments] rendered in such proceedings may be satisfied by levy and sale of the interest of the defendant in the premises therein described, or by levy and sale of the property of the other defendants therein mentioned, at the option of the plaintiff, and the proceedings for that purpose, the issuance of a certificate of sale and the execution of the sheriff's deed thereunder, shall be under the rules and practice of the court and the statute applicable to levies and sales in actions of assumpsit, as near as may be, except as herein otherwise provided. Proceedings for the enforcement of such lien in justice court shall be commenced by summons in the usual form, with the addition of a recital therein that the same is issued for the enforcement of a lien, briefly stating the nature and amount thereof, with a description of the premises to be affected thereby, and shall be made returnable and served in the same manner as writs of summons in actions of assumpsit, when personal service can be obtained. If any of the defendants cannot be found within the county, such writ may be served by leaving a copy thereof at the defendant's usual place of residence, if he have one within such county, with

Summons, how served.

Proof of publication.

Executions, how satisfied.

Proceedings for enforcement of lien in justice's court.

Service of writs, etc.

some person of suitable age, but if such defendant cannot be found within the county and has no such place of residence therein, or no suitable person be found thereat, such writ may be served by posting a copy thereof in a conspicuous place on said premises, at least six days before the return day mentioned in said summons and proof of service, by the officer's return or by affidavit of the person who made the same in any of the modes above provided, shall give the court jurisdiction of the person of such defendant. The pleadings and proceedings in such case shall be the same, as near as may be, as in ordinary actions of assumpsit, and the general allegation in such declaration that the amount claimed to be due is for fork [work] and labor performed at the request of the defendants therein named, shall be deemed sufficient allegation of cause of action. In addition thereto, such declaration shall contain the same recitals as are required to be contained in the summons, and such declaration of the plaintiff may be either verbal or in writing, and any judgment rendered in such cause for the plaintiff shall contain in substance the same recitals. If on the trial of such cause the court or jury shall find that some amount is actually due the plaintiff, from any of the defendants, but that such amount is not a lien upon the premises described in the declaration, the court shall not lose jurisdiction for that reason, but a verdict, when the cause is tried by a jury, shall be found in favor of the plaintiff and against the defendant who is liable therefor for such amount as they determine to be due; and when the cause is tried by the justice judgment shall be found in the same manner, and the plaintiff shall have judgment against the proper defendant for the amount of his claim so established, and judgment of no cause of action shall be rendered against the plaintiff and in favor of the defendant not found liable, and the costs in such case shall be in the discretion of the court, so far as it concerns the defendant in whose favor judgment of non-suit is entered. Appeal or *certiorari* may be taken by either party from such judgment within the time and in the manner provided in cases of assumpsit, except as herein otherwise provided; but such appeal or *certiorari* shall not release or defeat the lien created by this act, if, upon affirmance of the judgment, or any part thereof, on such appeal or *certiorari* the plaintiff at any time, within thirty days thereof, elect to enforce the amount thereof, together with such costs as shall have been awarded him by virtue of such lien proceedings, or he may take judgment against the principal and sureties on the appeal or *certiorari* bond in the usual manner, whereupon execution shall issue and be enforced in the manner provided in ordinary actions of assumpsit. Such election shall be by filing notice thereof with the clerk. In case the plaintiff shall elect to enforce his judgment by virtue of the lien proceedings so commenced execution shall issue and be enforced against said described premises in the same manner as executions issued upon judgments in cases commenced in the circuit court under the provisions of this act, and all costs awarded the plaintiff on

Pleadings, etc.

In case no lien is found, etc.

Judgment.

Appeal.

Affirmance of judgment.

Execution.

In reversal of judgment for certain causes lien may be renewed.

Judgment not to be stayed.

When transcript filed, etc., judgment to be docketed by clerk of circuit court.

Executions, what to contain.

Costs of proceedings.

To become additional lien.

Priority of liens.

Liens not to be avoided, etc., by certain defects.

such *certiorari* or appeal shall be considered as and enforced as part of the amount secured by said lien. In case of reversal of judgment so removed into the circuit court by *certiorari* for any defects existing subsequent to the filing of the notice of claim of lien, the plaintiff may, at any time within sixty days after such reversal, renew and enforce such lien proceedings as in the first instance. No judgment rendered in proceedings authorize [authorized] by this act shall be stayed. At any time within ten days after the rendition of the same by the justice, if appeal has been taken or *certiorari* allowed from such judgment and a proper bond filed with the justice and approved by him, the plaintiff shall be entitled to a transcript of such judgment, duly certified by the justice who rendered the judgment or who has control thereof, upon paying to such justice the sum of fifty cents to and presenting to such justice of the peace an affidavit made by himself, his agent or attorney, showing the amount then due on such judgment, including costs and interest. Upon payment of the legal fees to the clerk of the circuit court for the proper county such transcript and certificate and original affidavit may be filed with the clerk of the circuit court for the county were [where] such judgment was rendered within five days after the date of such certificate of transcript, and by said clerk a judgment shall be docketed thereon in said circuit court in the same manner, as near as may be, and with the same force and effect as judgment [judgments] are docketed on transcripts under the provisions of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one. Execution issued on such judgment shall contain recitals similar to those hereinbefore required to be contained in and shall be enforced and satisfied in the same manner as hereinbefore provided in case of judgments returned in the circuit court.

SEC. 6. The costs of all proceedings authorized by the provisions of this act shall be the same as now allowed by law or rules of court in actions of assumpsit, except in justice court, where the limitation as to the amount which may be recovered by either party shall not apply, and such costs, as soon as taxed, shall become an additional lien on the premises in question, dating from the date of such lien, and be enforced in the same manner as the judgment to which they belong.

SEC. 7. Liens created under the provisions of this act shall take precedents as to the filing of notice of claim of lien with the register of deeds, and may be enforced and satisfied in the manner hereinbefore provided, or by levy on the precedents of any sale under prior lien proceedings in the same manner as successive executions are satisfied in other cases.

SEC. 8. Such lien shall not be avoided nor the proceedings to enforce the same dismissed for any defect in either form or substance, provided the same be cured by amendment at any time before the rendition of final judgment, and the court before whom such proceedings are pending shall allow such amendment, on the application of either party, upon such terms and conditions as justice may require.

SEC. 9. The plaintiff shall not be required to file security for costs in any case commenced under the provisions of this act either in the circuit or a justice court. Nothing contained in this act shall be construed to prevent any creditor from enforcing such claim for labor or materials furnished, or both, by any action therefor, according to the course of the common law, the same as though he had no lien for such debt, and no lien provided for in this act shall be defeated by it appearing on the trial of the cause, or otherwise, that the plaintiff had before such trial taken from the defendant, or other person, any personal security for such debt.

Plaintiff not to give security for costs.
Claims may be enforced by common law.

SEC. 10. All liens authorized by this act shall, upon filing the notice of claim of lien, as hereinbefore provided, take precedence of all other sales, transfers, incumbrances, levies and liens created subsequent to the performing of the first of such labor, or the furnishing of the first of such material, as stated in such notice.

Liens to take precedence of sales, etc.

SEC. 11. When the debt secured by such lien is fully paid, including costs and interest thereon, the creditor shall execute, acknowledge and deliver to such owner, part owner or the lessee of the premises affected thereby, a full discharge and satisfaction of such lien, or shall endorse on the notice of claim of lien a memorandum to the effect that the same has been fully paid and discharged, which shall operate as a full discharge thereof; a notice [note] of such memorandum shall be entered by the register in the book kept by him as hereinbefore provided. The refusal upon demand to discharge such lien in one of the ways above provided shall subject the plaintiff to like penalties as are provided by law for refusal to discharge mortgages which have been fully paid.

Discharge and satisfaction of lien.

Penalty for refusal to discharge.

SEC. 12. For all the purposes of this act, the words "owner, part owner or lessee," shall be construed to include all the interest, either legal or equitable, which such person may have in the real estate upon which the improvements contemplated by this act are made, including the interest held by such person under contracts of purchase, whether in writing or otherwise, and bills in chancery may be filed in the proper county to aid and enforce all levies upon such equitable interests.

"Owner," etc., how construed.

SEC. 13. If any creditor entitled to such lien shall die either before or after the filing of such notice of claim of lien such notice may be filed and all proceedings had or continued for the enforcement of such lien by and in the name of his executor or administrator, and the death of any defendant contemplated in these proceedings shall not abate or hinder the progress of the same.

In case of death of creditor entitled to lien.

SEC. 14. Act two hundred and fifty-eight of the session laws of eighteen hundred and seventy-nine, relative to mechanics' liens, and all acts amendatory thereof, and all laws inconsistent with the provisions of this act are hereby repealed, except as to proceedings now pending, which shall be concluded in the same manner as though this act had not been passed.

Acts repealed.

Approved June 27, 1887.

[No. 271.]

AN ACT to allow the commitment and detention of female children to the House of the Good Shepherd at Detroit.

Certain girls to be sentenced by certain courts to House of the Good Shepherd.

Commitments, how approved.

When persons committed may be discharged, etc.

Annual report. Proviso.

SECTION 1. *The People of the State of Michigan enact*, That the police justices of the city of Detroit, and the justices of the peace of any township of the county of Wayne, and the recorder's court of the city of Detroit shall each have the power on conviction of any offense for which a girl may be sent to the State Industrial Home for Girls, when requested by the parent [parents] or guardian of any girl over the age of seven years and under the age of seventeen years, to commit her to imprisonment in the House of the Good Shepherd of the city of Detroit for the like period as by law such girls may be committed to the State Industrial Home for Girls or House of Correction. In all cases, except in said recorder's court, such commitment shall be approved by a circuit or probate judge of the county of Wayne before the same shall be executed, and such approval shall be endorsed by the judge so approving of the same upon the warrant of commitment. And in all such cases of persons committed the persons in charge of the House of the Good Shepherd shall have authority, whenever in their discretion they shall deem anyone so sentenced to have so far reformed as to justify her discharge, to liberate her or bind her for term of said commitment by articles of indenture to any suitable person who shall engage to educate said girl, and to instruct her in household work, or in some proper art or trade, or to return such girl to her parents or guardians, as the case may be. And they shall annually report their action in the premises to the recorder's court of the said city of Detroit: *Provided*, That the State shall in no case be chargeable with any expense on account of any girls being sent to the House of the Good Shepherd at Detroit.

Approved June 27, 1887.

[No. 272.]

AN ACT to amend section two of act number two hundred and thirty-seven of the laws of eighteen hundred and eighty-one, entitled "An act to authorize and regulate within this State the business of plate glass, accident, live stock, steam boiler and fidelity insurance, and to repeal acts numbers forty-two and seventy-two of the session laws of eighteen hundred and seventy-seven," approved June three, eighteen hundred and eighty-one, being section four thousand three hundred and twenty-five of Howell's Annotated Statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number two hundred and thirty-seven of the session laws of eighteen hundred and eighty-one, being section four thousand three hundred and twenty-five of Howell's Statutes, be and the same is hereby amended to read as follows:

SEC. 2. No such company or association shall be authorized by the Commissioner of Insurance to transact business in this State unless possessed of an actual paid up capital of at least one hundred thousand dollars and a deposit of at least one hundred thousand dollars with the State Treasurer of this State, or with the chief financial officer or Commissioner of Insurance of the State where such company or association is organized, duly assigned to such officer in trust for the benefit of all policy holders. Said deposit shall consist of bonds or stocks of the United States or of the State where such company or association is organized, or of bonds and mortgages on improved unincumbered real estate worth double the sum loaned thereon. The market value of such deposited securities shall at all times be equal to one hundred thousand dollars: *Provided, however,* That when any such company or association incorporated by or under the laws of any foreign government and doing business in any other State of the United States, are required by the statutes of such State to keep on deposit with the State Treasurer, or other State officer, securities for the protection of policy-holders in the United States, and any such company shall furnish to the Commissioner of Insurance of this State the certificate of the proper officer of such other State, showing the amount and character of the securities so deposited with him, and it shall appear therefrom that the said securities are equal in market value and availability to one hundred thousand dollars, and that a portion equal to fifty thousand dollars are of State or United States bonds, and it shall further appear from the laws of such other State that the securities so deposited are subject to be made available to satisfy judgment [judgments] of policy-holders in any manner corresponding to that provided for the care of securities deposited under the provisions of chapter one hundred and thirty-one, Howell's statutes, relating to life insurance, and referred to in section four thousand three hundred and twenty-six of this act, the Commissioner of Insurance shall thereupon be authorized to issue authority to such foreign company to transact business in this State without any such deposit of securities with the State Treasurer of this State.

Amount of capital stock necessary to do business

Proviso as to foreign companies.

Approved June 27, 1887.

[No. 273.]

AN ACT to amend section two of chapter forty-two of Howell's Annotated Statutes of eighteen hundred and eighty-two, being annotator's section number seventeen hundred and fifty-six, relative to the support and maintenance of the poor by counties.

SECTION 1. *The People of the State of Michigan enact, That* section two of chapter forty-two of Howell's Annotated Statutes of eighteen hundred and eighty-two, being annotator's section

Section amended.

number seventeen hundred and fifty-six, relative to the support and maintenance of poor persons by counties, be and the same is hereby amended so as to read as follows:

Appointment of
superintendent
of poor.

SEC. 2. It shall be the duty of the supervisors of each county, at their annual meeting in the year eighteen hundred and sixty-nine, to appoint three discreet electors of such county to be superintendents of the poor within the same; one for the term of one year, one for the term of two years, and one for the term of three years, and at their annual session in each year thereafter they shall appoint one superintendent, who shall hold his office for the term of three years, and until his successor is appointed and qualified; but the term of office of each and every superintendent so appointed and qualified, after the passage of this act, shall commence on the first day of January next succeeding his appointment, and one, at least, of the superintendent [superintendents] so appointed shall be a resident of the place where the county seat is located: *Provided*, That in case of a vacancy caused by the death or removal of either of said superintendents, or otherwise, the supervisors shall, at their first meeting held after such vacancy occurs, appoint a successor for the unexpired term. Before entering upon the duties of his office each superintendent shall take the oath of office prescribed in the eighteenth article of the constitution, and file the same in the office of the county clerk.

Proviso as to
vacancy.

Oath of office.

Approved June 27, 1887.

[No. 274.]

AN ACT to repeal act number one hundred and ninety of the session laws of eighteen hundred and eighty-five, entitled "An act making an appropriation of State swamp lands to aid the county of Jackson in straightening [and opening] a channel or outlet for Portage Lake, and to repeal act number one hundred and thirty-two of the session laws of eighteen hundred and eighty-one, entitled 'An act to authorize and empower the Board of Control of State Swamp Lands to make an appropriation of swamp lands to drain certain overflowed lands in Jackson county, approved May tenth, eighteen hundred and eighty-one,' " approved June sixteenth, eighteen hundred and eighty-five.

Act repealed.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and ninety of the session laws of eighteen hundred and eighty-five, entitled "An act making an appropriation of State swamp lands to aid the county of Jackson in straightening and opening a channel or outlet for Portage Lake, and to repeal act number one hundred and thirty-two of the session laws of eighteen hundred and eighty-one, entitled 'An act to authorize and empower the Board of Control of State Swamp Lands to make an appropriation of swamp lands to drain certain overflowed lands in Jackson county, approved May tenth, eigh-

teen hundred and eighty-one, approved June sixteenth, eighteen hundred and eighty-five," be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved June 27, 1887.

[No. 275.]

AN ACT to prohibit railroad companies from taking up their tracks, abandoning their stations, and failing to operate their roads in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any railroad company, organized under any law of this State, and whose road has been constructed wholly or in part by public aid or local subscription given as a bonus for such construction, having once constructed and put in operation the whole, or any portion of said road, and located and opened for business stations and houses thereon, to thereafter take up, abandon, or cease the operations of its said track, or any portion thereof, or to close up and abandon its said stations and station houses, or to withdraw the agents therefrom, except upon the order or decree of the circuit court of the county or counties through which said road may run, and in which it is desired to take up and abandon such track, or to close up such station or stations and withdraw the agents therefrom, upon petition of the railroad company desiring to make such abandonment, to be made to said court, and after citation to the Commissioner of Railroads, and at least four weeks' publication of the pendency of the petition aforesaid in some newspaper published in the county or counties through which the track proposed to be abandoned runs, and if there be no such paper published in such county or counties, then in some newspaper published in the city of Lansing, in said [this] State, and after the making of such citation and publication as herein provided, a hearing upon said petition shall be had in like manner as is provided by law for other chancery proceedings in this State, and at such hearing the said Commissioner of Railroads, either by the Attorney General or the prosecuting attorney of the county in which said proceedings shall be had, or any citizen interested, either in person or by attorney, shall be entitled to appear and be heard in opposition to the granting of said petition.

Unlawful for certain railroads to abandon, etc., road, station-houses, etc., except by decree of court.

Petition to abandon.

Hearing upon petition.

SEC. 2. Any company violating the provisions of the foregoing section of this act shall be liable to a penalty therefor, of not exceeding one thousand dollars for each day that it shall so unlawfully dismantle and abandon the operation of its road and close its stations as herein provided, and it shall be the duty of the Attorney General, or of any prosecuting attorney of the county or counties through which said road may run, upon the application of the Commissioner of Railroads, to commence proceedings in the name of the people of the State of Michigan, for

Penalty for violating provisions of this act.

How recovered.

Proviso.

Further
proviso.

the recovery of the penalty specified, and to compel the restoration of the track of the company so abandoned, and the re-opening for business the station or stations that have been closed: *Provided*, That the provisions of this act shall not apply to forest or ore roads constructed exclusively for logging or mining purposes: *And provided further*, That this act shall not apply to the abandonment of any railroad company of its tracks between two stations only where provision is made for the reasonable accommodation of the traffic originating at or destined to such stations by another line of road operated by the same company.

This act is ordered to take immediate effect.

Approved June 27, 1887.

[No. 276.]

AN ACT to require security to be given on staying proceedings upon verdicts and judgments in the circuit courts of this State.

When surety
to be required.

SECTION 1. *The People of the State of Michigan enact*, That no stay of proceedings upon any verdict or judgment rendered in any circuit court in this State shall hereafter be granted or allowed for the purpose of moving for a new trial or settling a bill of exceptions in the case in which such verdict or judgment was rendered for a longer period than twenty days, unless the party applying for such stay, if judgment shall have been rendered against him, shall execute to the adverse party a bond with sufficient surety or sureties to be approved by the court, conditioned to pay such judgment if the same is not set aside, or reversed.

When court
may grant stay
without surety.

SEC. 2. In case the party applying for such stay of proceedings shall be unable to give such bond by reason of poverty, the court may upon due proof of inability for such reason, grant such stay without requiring such bond, for such reasonable time as the court may determine.

Bond, where
filed.

SEC. 3. The bond required by this act shall be filed with the clerk of the court in which such judgment is rendered.

Approved June 27, 1887.

[No. 277.]

AN ACT to lay out and establish a State road along or near the principal base line of Bois Blanc Island, in the county of Mackinac, from the eastern to the western terminus of said line, and appropriating swamp lands upon said island for the construction thereof.

Governor to ap-
point commis-
sioner to lay out
road.

SECTION 1. *The People of the State of Michigan enact*, That the Governor be and he is hereby authorized and directed to appoint a commissioner to lay out, establish and superintend the construction of a State road along or near the principal base line of Bois Blanc Island, in the county of Mackinac, from the eastern to the western terminus of said line.

SEC. 2. Said road shall be laid out and constructed under the provisions of an act entitled "An act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches," being a portion of chapter two hundred and five of Howell's Annotated Statutes, and to be known as the "Bois Blanc State Road."

How road to be laid out and constructed.

SEC. 3. For the construction of said road there is hereby appropriated of State swamp lands sufficient to secure the construction of the same, but not exceeding six hundred and forty acres to each mile of said road, to be used and disposed of according to the provisions of the chapter aforesaid: *Provided*, That the lands hereby appropriated shall be selected and taken from the State swamp lands upon said island.

Appropriation of swamp lands for construction of road.

Provided.

SEC. 4. In case there shall not (of the swamp lands upon said island) be sufficient to allow six hundred and forty acres per mile for the entire length of said road, then the commissioner shall construct so much of said road, commencing at the eastern terminus, as the lands hereby appropriated will allow, but not exceeding, however, six hundred and forty acres to any one mile.

In case there is not sufficient swamp lands on the island.

SEC. 5. No deficiency of State swamp lands which may exist to meet the appropriation made by this act shall be so construed as to create any lien or establish any claim against the State.

Lien on State not to be established by deficiency of lands.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 278.]

AN ACT to provide for the ascertaining, adjudicating and determining who are or were the legal heirs, minor heirs, or legal representatives of certain deceased persons and entitled to the lands of which the said deceased died seized, and to repeal act number fifty-three of the laws of Michigan of the year eighteen hundred and sixty-seven, approved March thirteen, eighteen hundred and sixty-seven, being compiler's sections four thousand three hundred and ninety-eight, four thousand three hundred and ninety-nine and four thousand four hundred of the compiled laws of eighteen hundred and seventy-one, as amended by act number forty-nine of the public acts of eighteen hundred and eighty-three, approved April twenty-six, eighteen hundred and eighty-three, the same being sections five thousand nine hundred and ninety, five thousand nine hundred and ninety-one and five thousand nine hundred and ninety-two of Howell's Annotated Statutes, "relative to proceedings to ascertain and determine the heirs of deceased persons."

SECTION 1. *The People of the State of Michigan enact*, That when any person shall have deceased, having title to any lands in this State, or whenever a conveyance or grant of any lands in this State shall be or shall have been made to the heirs, minor heirs or legal representatives of any deceased person without indi-

Who may apply to probate court for adjudication as to legal heirs.

cating or showing who are or were such heirs, minor heirs, or legal representatives, it shall be lawful for any person or persons claiming an interest in said lands, whether as heirs-at-law, minor heirs, or through or under such heir or heirs, to apply to the probate court of the county in which said lands or any part thereof are located, which said court shall adjudicate and determine who are or were the legal heirs, minor heirs, or legal representatives of said deceased person, and entitled to the lands of which the deceased died seized, or the lands embraced in the conveyance or grant made to the heirs-at-law, minor heirs, or the legal representatives of such deceased person.

How application
to be made, and
form of.

SEC. 2. The application shall be made by filing a petition in said court subscribed by the petitioners, his, her or their attorney, duly verified, setting forth the name of the deceased; that he died seized of lands in this State, or that a conveyance or grant was made to the legal representatives, or heirs or minor heirs of the deceased, as the case may be, of certain lands a portion of which (and describing such portion), the petition shall show to be located in the county where said petition is to be filed; the names and residences of the heirs, minor heirs, or legal representatives of said deceased person, so far as the same are known to the petitioner, and shall conclude with a prayer for the determination and adjudication aforesaid; and thereupon said court shall make an order setting forth the time and place of hearing such petition, and shall cause notice of such petition, and of the time and place assigned for the hearing thereof, to be published for three successive weeks in such newspapers as the said court shall direct.

Court to make
an order as to
hearing.

Hearing and
adjudication.

SEC. 3. At the time assigned for the hearing of said petition, or at the time to which said hearing may be adjourned, the court may hear proofs taken by commission or by witnesses produced in open court, of the facts set forth in said petition, and shall thereupon, if the evidence be sufficient, find and adjudge who are, or were, the heirs, minor heirs, or legal representatives of the deceased and entitled by the laws of this State to inherit the real estate of the deceased, or to take title to lands conveyed or granted to the heirs, minor heirs, or legal representatives of said deceased, which finding and adjudication shall be entered on the journal of said court, and which entry, or a duly certified copy thereof, shall be *prima facie* evidence of the facts therein found.

Findings to be
entered on
journal of court.

Acts repealed.

SEC. 4. Act number fifty-three of the laws of Michigan of the year eighteen hundred and sixty-seven, being compiler's sections four thousand three hundred and ninety-eight, four thousand three hundred and ninety-nine and four thousand four hundred of the compiled laws of eighteen hundred and seventy-one, as amended by act number forty-nine of the public acts of eighteen hundred and eighty-three, approved April twenty-six, eighteen hundred and eighty-three, the same being sections five thousand nine hundred and ninety, five thousand nine hundred and ninety-one [and] five thousand nine hundred and ninety-two of Howell's Annotated Statutes, "relative to proceedings to ascer-

tain and determine the heirs of deceased persons," is hereby repealed.

Approved June 28, 1887.

[No. 279.]

AN ACT to amend section twenty-six of chapter one hundred and eighty-five of the compiled laws of eighteen hundred and seventy-one, relative to "set-offs," being compiler's section seven thousand three hundred and sixty-five of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-six of chapter one hundred and eighty-five of the compiled laws of eighteen hundred and seventy-one, relative to "set-offs," being compiler's section seven thousand three hundred and sixty-five of Howell's Annotated Statutes of Michigan, be and the same is hereby amended so as to read as follows: Sections amended.

SEC. 26. In the following cases, and under the following circumstances, a defendant may set off demands which he has against the plaintiff: When defendant may set off claim against plaintiff.

First, It must be a demand arising upon judgment, or upon contract express or implied, whether such contract be written or unwritten, sealed or without seal; and if it be founded upon a bond or other contract having a penalty, the sum equitably due, by virtue of its condition only, shall be set off;

Second, It must be a demand for real estate sold, or for personal property sold, or for money paid, or money had and received, or services done; or if it be not such a demand, the amount must be liquidated, or be capable of being ascertained by calculation;

Third, It must be due to him in his own right, either as being the original creditor or payee, or as being the assignee or owner of the demand;

Fourth, It must have existed at the time of the commencement of the suit, and must then have belonged to the defendant;

Fifth, It can be allowed only in actions founded upon demands which could themselves be the subject of set-off according to law;

Sixth, If there be several defendants, the demand set off must be due to all of them, jointly, except where other provision is expressly made by law: *Provided*, That in actions upon a note or other contract for the payment of money against several defendants, any one of whom is principal, and the others sureties therein, any claim upon contract in favor of the principal defendant, and against the plaintiff, or any former holder of the note who transferred the same after due or other contract, may be allowed as a set-off by the principal or any other defendant; Provided.

Seventh, It must be a demand existing against the plaintiff in the action, unless the suit be brought in the name of a plaintiff having no real interest in the contract upon which the suit is

founded; in which case no set-off of a demand against the plaintiff shall be allowed, unless as hereinafter specified;

Eighth, If the action be founded upon a contract other than a negotiable promissory note, or bill of exchange which has been assigned by the plaintiff, a demand existing against such plaintiff, or any assignee of such contract at the time of the assignment thereof, and belonging to the defendant in good faith before notice of such assignment, may be set off to the amount of the plaintiff's debt, if the demand be such as might have been set off against such plaintiff or such assignee while the contract belonged to him;

Ninth, If the action be upon a negotiable promissory note, or bill of exchange, which has been assigned to the plaintiff after it became due, a set-off to the amount of the plaintiff's debt may be made of a demand existing against any person or persons who shall have assigned or transferred such note or bill after it became due, if the demand be such as might have been set off against the assignor while the note or bill belonged to him;

Tenth, If the plaintiff be a trustee for another, or if the suit be in the name of the plaintiff who has no real interest in the contract upon which the suit is founded, so much of a demand existing against those whom the plaintiff represents, or for whose benefit the action is brought, may be set as will satisfy the plaintiff's debt, if the same might have been set off in an action brought by those beneficially interested.

Approved June 28, 1887.

[No. 280.]

AN ACT to protect the owners or keepers of stallions.

Owner, etc., to
have a lien.

SECTION 1. *The People of the State of Michigan enact*, That the owner or keeper of a stallion shall, after demand upon the owner of the mare for the price agreed upon for service, have a lien upon the get of such stallion for the period of six months after the birth of the foal for the payment of the services of such stallion.

Misrepresentation
vitiates this
act.

SEC. 2. No benefit shall be had from the provisions of this act where the owner or keeper has in any way fraudulently misrepresented to the owner of the dam as to the breeding of the stallion.

How lien per-
fected.

SEC. 3. The owner or keeper of a stallion, in order to obtain and perfect such lien shall, at any time after such demand and within the period included between the rendition of such services by any stallion and when a colt is foaled, file with the township clerk in the township wherein such dam is owned, the agreement, or a true copy of the agreement, entered into by the owner of the dam for such service, together with such description of the dam as to age, color, or other marks, as the person filing such agreement is able to give.

SEC. 4. Upon the filing of such agreement, together with the description of the dam, the same shall operate in all respects as a chattel mortgage during the time provided in section one, with power of sale on the foal of such dam, and may be collected, enforced and discharged as provided by law for the collecting, enforcing and discharging of chattel mortgages upon payment of the fees to the clerk as provided by law for similar services in regards to chattel mortgages.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 281.]

AN ACT to amend sections one and nine of act number one hundred and fifty-six of the session laws of eighteen hundred and fifty-one, entitled "An act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local administrative and legislative powers," approved April eight, eighteen hundred and fifty-one, being sections four hundred and sixty-seven and four hundred and seventy-five of the compiled laws of eighteen hundred and seventy-one, the same being compiler's sections four hundred and seventy-three and four hundred and eighty-one, respectively, of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That sections one and nine of act number one hundred and fifty-six of the session laws of eighteen hundred and fifty-one, entitled "An act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April eight, eighteen hundred and fifty-one, being sections four hundred and sixty-seven and four hundred and seventy-five of the compiled laws of eighteen hundred and seventy-one, the same being compiler's sections four hundred and seventy-three and four hundred and eighty-one, respectively, of Howell's Annotated Statutes of Michigan, be and the same are hereby amended so as to read as follows:

(§473.) SECTION 1. *The People of the State of Michigan enact*, That the supervisors of the several townships and cities in each of the counties in this State shall meet annually in their respective counties for the transaction of business as a board of supervisors; they may also hold special meetings, when necessary, at such times and places as they may find convenient, and shall have power to adjourn from time to time as they may deem necessary. The annual meetings of the board of supervisors shall be held on the second Monday of October in each year at the court-house in their respective counties, if there be one, and if there be none, then at some place at the county seat, if there be one, and if no county seat be established, then at such place in the county as the clerk of such county may appoint, of which

Notice of meetings.

Proviso.

Publishing report of proceedings.

such clerk shall give three weeks' public notice by publishing the same in some one or more newspapers printed and circulating in said county, if there be any such, and if none, then in some one or more newspapers nearest thereto having a general circulation in said county: *Provided*, That but one legal newspaper rate for printing the same shall be allowed.

(§481.) SEC. 9. They shall cause to be made out and published immediately after each session in at least one well-established newspaper, if there be one published in the county, if not, in some such paper published nearest thereto, a report of the proceedings of said board at such session, including a report of the receipts and expenditures, which shall contain a statement of the names of each claimant, the amount claimed and amount allowed, and a full statement of the amounts of the treasurer's account on the last settlement, as found on his balance sheet or account current in making the settlement.

Approved June 28, 1887.

[No. 282.]

AN ACT to provide for the publication of names and postoffice addresses [address] of ex-soldiers, sailors and marines living in the State of Michigan, and to make an appropriation therefor.

Supervisors, etc., to make list of ex-soldiers, etc.

Lists to be returned to county clerk, and copy to Adjutant General.

Proviso as to Detroit.

Persons to be appointed in Detroit to perform said duty.

SECTION 1. *The People of the State of Michigan enact*, That the supervisor in each township and the supervisor or assessor of any ward or city therein, in this State, shall make and deliver to the county clerk of their respective counties at the time of making their annual assessment in the year eighteen hundred and eighty-eight a corrected list of all persons who served in the United States army, navy or marine corps, volunteer or regular, during the war of the rebellion, giving name in full, and designating the rank, company, regiment, battery or vessel in which they served, respectively, as shown by papers in his possession, showing in each case the State that the soldier entered the service from and their present postoffice address, which several lists shall be returned to the county clerk, who shall, on or before the first day of November, eighteen hundred and eighty-eight, certify to the Adjutant General a true copy of said lists, alphabetically arranged, for which true copy the county clerk shall receive the sum of two cents for each name so returned, to be paid by the county in which said [such] certified copy is made, which shall be his compensation in full for all services required of him by this act: *Provided*, That in the city of Detroit the duties required by this act to be performed by supervisors and assessors shall be performed by persons appointed by the common council for that purpose; and it shall be the duty of the common council, on or before the tenth day of April, in the year eighteen hundred and eighty-eight, to appoint such number of persons in each ward of said city as shall be necessary to perform said duties within the time

limited by this act; and such persons shall possess all the authority conferred upon, and perform all the duties required of supervisors and assessors, by this act, within the territory assigned them, respectively, by the common council, and shall receive such compensation for their services, not exceeding the sum allowed by this act to supervisors and assessors, as shall be fixed by the common council, to be paid by the county of Wayne, and shall be liable to the same penalties for refusal or neglect to perform any of said duties.

Compensation
of, etc.

SEC. 2. The Adjutant General, on receipt of said lists from the county clerk, shall proceed to consolidate said lists alphabetically by regiments and by States and publish three thousand copies bound in cloth as a roster of the ex-soldiers, sailors and marines now residents of Michigan, one copy of which shall be furnished each post of the Grand Army of the Republic, in the State of Michigan, one hundred copies to the State library for exchange with other libraries, one copy to the office of each county clerk in the State, one copy to each State officer, one copy to the United States pension office at Washington, District of Columbia, one to the Adjutant General's office of the United States Army, and the remainder to the Secretary of State, subject to sale at one dollar and fifty cents each, the proceeds of such sale to be turned over to the State Treasurer.

Adjutant Gen-
eral to publish
and distribute
lists.

SEC. 3. The sum of two thousand dollars is hereby appropriated, or so much thereof as may be necessary, out of any moneys in the State treasury to the credit of the general fund not otherwise appropriated; for the purposes named in this act. The Auditor General shall draw his warrant upon the State Treasurer, upon the certificate of the Adjutant General, not to exceed the aforesaid sum of two thousand dollars, as the same may be required to carry out the provisions of this act.

Appropriation
for purposes of
this act.

How drawn.

SEC. 4. The Adjutant General shall prepare a suitable form of blanks for the return of the county clerks, supervisors and assessors for making the list of names as required in section one of this act, and deliver the same to the Secretary of State, who shall have printed a sufficient number of each kind, and who shall transmit before the first day of April, eighteen hundred and eighty-eight, to each county clerk a sufficient number of blanks to furnish each supervisor and assessor in his county with two copies of said blanks. The county clerk of each county shall, on receiving the same, immediately distribute said blanks to the supervisors and assessors of his county. Three cents per name shall be allowed to each supervisor and assessor who shall make their returns, under oath, that no name has been entered thereon but those still living and residing as returned; said three cents per name to be paid by the county in which such returns are made.

Blanks to be
furnished.

Compensation
of supervisors,
etc.

SEC. 5. In case of the refusal or neglect by any of the officers mentioned in this act to perform any of the duties hereinbefore required of them, or either of them, to be done and performed by any of the provisions herein contained, such officer shall be liable to a fine not to exceed one hundred dollars, and the costs of prose-

Penalty for re-
fusal to perform
duties.

Who to prosecute.

cution ; and the prosecuting attorney in each county is hereby required to prosecute in the name of the people of the State of Michigan all persons in his county who shall willfully violate any of the provisions of this act; and the said supervisor or assessors of any township, city, or any ward therein, may be prosecuted for a misdemeanor under this section, and upon conviction, punished as herein provided for.

Penalty for disposing of books otherwise than herein provided.

SEC. 6. Any person having charge of these books who shall dispose of the same except in accordance with the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to a fine of not less than twenty-five dollars, and not more than one hundred dollars, in the discretion of the court.

Tax for appropriation.

SEC. 7. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-eight the sum of two thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section three of this act.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 283.]

AN ACT to amend section forty-one of act number one hundred and fifty-three of the public acts of the year eighteen hundred and eighty-five, being an act entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved June nine, eighteen hundred and eighty-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section forty-one of act number one hundred and fifty-three of the public acts of the year eighteen hundred and eighty-five, being an act entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved June nine, eighteen hundred and eighty-five, is hereby amended so as to read as follows:

Disposition of taxes by township treasurer when full amount not collected.

SEC. 41. In case the township treasurer shall not collect the full amount of taxes required by his warrant to be paid into the township treasury such portion thereof as he shall collect shall be retained by him and paid out for the following purposes: The amount of school taxes collected to be paid on the order of the school district officers; the amount collected for general township purposes to be paid on the order of the township board; the amount collected for highway purposes to be paid on the order of the commissioner of highways, and the amount collected for any special fund to be paid on the order of the proper officer, and in

no case shall the amounts collected for any one fund be paid on the orders drawn on any other fund.

Approved June 28, 1887.

[No. 284.]

AN ACT to provide for keeping clear of obstructions, open, and in good condition and repair, all ditches in this State constructed under the authority of the Board of Control having charge of the drainage and reclamation of swamp lands by means of State roads and ditches or ditches constructed by aid of State swamp lands.

SECTION 1. *The People of the State of Michigan enact, That* all ditches in the organized townships of this State, which have been constructed therein partly or wholly by aid of State swamp lands, or under the authority of the Board of Control having charge of the drainage and reclamation of swamp lands by means of State roads and ditches, shall be kept clear of obstructions, open, and in good condition and repair, so as to be capable of carrying off the surplus water from all such lands, under the provisions of this act. Certain ditches to be kept open.

SEC. 2. It shall be the duty of the township drain commissioner of each organized township, in which any such ditch or ditches shall have heretofore existed, or in which any shall hereafter exist, to examine, or cause to be examined, annually, at some time during the first half of September, all such ditches, and ascertain the nature, extent and amount of all obstructions therein, and the amount of opening and repairing to be done thereon, so as to put the same in good condition, so as to be capable of carrying off such surplus water; the nature of all which needful repairs he shall write down so as to be able to specify the same. Within ten days after ascertaining the several matters hereinbefore specified it shall further be the duty of such township drain commissioner to give notice by written advertisement, to be posted in at least six of the most public places in said township, for at least twelve days prior to the time of the letting hereinafter provided for, that on a day and hour mentioned in such notice, not to exceed twenty days from the time of such posting, and at a place specified in such notice, he will let, in sections not exceeding three miles each, to the lowest bidder or bidders, the said work of making such repairs, according to specifications to be produced for each section thereof, at the time when the contract for such sections shall be let. At the time and place appointed in such notice, said drain commissioner shall proceed to let contracts for the different sections of said work, to be performed as mentioned in said notice, and he shall let such contracts to the persons who shall do the work according to the specifications, for the least sum of money, and who will give adequate security for the performance of the same, within Duty of township drain commissioner to examine ditches. To advertise the letting of contracts to repair, etc. Letting contracts.

- such time as the contracts shall specify. Such commissioner may adjourn such letting from time to time, to such other time and place in the township, to be by him publicly announced, as to him shall seem proper, but not in all more than fifteen days from the time first advertised by him; and it shall be provided that all contracts shall be fully performed on or before the thirtieth day of November after such letting.
- Time of completing contracts.** SEC. 3. Upon the completion of the said several contracts, to be performed under the provisions of this act, the said commissioner shall give to each contractor a certificate which shall set forth the work required to be done by the contractor, the satisfactory performance of the same, and the amount to which such contractor is entitled for such performance, which sum shall be a charge against the township in which such ditch repairs shall have been made, and upon the presentation of such certificate to the township board of such township, at any meeting thereof, the amount expressed thereon shall be audited and allowed by said board to such contractor or his assigns: *Provided, however,* That the cost of repairs of said ditch or ditches in any township, in any one year, shall not exceed the sum of one hundred and fifty dollars.
- Certificate to be given contractor.**
- Auditing, etc., claim of contractor.**
- Proviso.**
- Costs of repairs, etc., how paid.** SEC. 4. The cost of such repairs and improvements so certified by the commissioner, and audited by the township board, together with the services of the drain commissioner for the performance of his duties relating to the same, shall be provided for and paid by said township in the same manner that the cost of constructing and maintaining county and township drains is raised and paid, as set forth in act number two hundred and twenty-seven, laws of eighteen hundred and eighty-five, entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relating thereto," and this act shall be and the same is declared amendatory to and supplementary of said act number two hundred and twenty-seven.
- Approved June 28, 1887.

[No. 285.]

AN ACT to regulate the manner in which insurance companies not organized under the laws of this State, but doing business within it, shall transact their business.

- Foreign companies to file certain undertaking with commissioner of insurance.** SECTION 1. *The People of the State of Michigan enact,* That no fire, fire and marine, or marine and inland insurance company or association not organized under the laws of this State shall be permitted to do business therein under the provisions of an act entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business in this State," approved April three, eighteen hundred and sixty-nine, until, in addition to complying with the provisions of said act, it

has filed with the Commissioner of Insurance an undertaking, duly executed and authenticated by the company, in such form as the Commissioner of Insurance shall from time to time prescribe, that it will not directly or indirectly enter into any contract, agreement, arrangement or undertaking of any nature or kind whatever with any other company, companies, association or associations, the object or effect of which is to prevent open and free competition between it and said company, companies, association or associations, or the agents of their respective companies or associations in the business transacted in this State, or in any part thereof.

SEC. 2. - No fire, fire and marine, or marine and inland insurance company or association not organized under the laws of this State, but doing business therein, shall either directly or indirectly enter into any contract, agreement, arrangement, or undertaking of any nature or kind whatever with any other company, companies, association or associations, the object or effect of which is to prevent open and free competition between it and said company, companies, association or associations, or between the agents of their respective companies or associations in the business transacted in this State, or in any part thereof.

Not to enter into certain contracts with other companies.

SEC. 3. It shall not be lawful for the agent of any fire, fire and marine, or marine and inland insurance company or association not organized under the laws of this State, but doing business therein, to enter into any contract, agreement, arrangement, or undertaking of any nature or kind whatever with the agent of any other such company, companies, association or associations, the object or effect of which is to prevent free and open competition between the companies or associations represented by said agents in the business transacted in this State, or in any part thereof.

Unlawful for agent of said companies to enter into certain contracts, etc.

SEC. 4. It shall not be lawful for any person or persons as agent, solicitor, broker, surveyor, or in any other capacity, to transact or to aid in any manner, directly or indirectly, in transacting or soliciting within this State, business for any fire, fire and marine, or marine and inland insurance company or association not incorporated by the laws of this State, or in any other capacity to procure or assist to procure a fire or inland marine policy or policies of insurance in any company or association which is violating the provisions of section two of this act, or whose agent or agents are violating the provisions of section three hereof.

Certain acts of certain agents, etc., unlawful.

SEC. 5. Any person violating any of the provisions of section three or four of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifty dollars, nor more than one hundred dollars, and in default of payment thereof shall be imprisoned in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court.

Violation of sections 3 and 4 a misdemeanor.

SEC. 6. It shall hereby be made the duty of the Commissioner of Insurance, within thirty days after this act takes effect, to

Commissioner of Insurance to prepare and distribute blanks.

Certificates of companies not complying to be revoked.

provide a blank form of the undertaking provided for in section one of this act, to cause copies thereof to be printed, and to mail one or more to each fire, fire and marine, and marine and inland insurance company or association not incorporated under the laws of this State, but doing business therein in pursuance of authority granted by the Commissioner of Insurance; and it is further made the duty of the Commissioner of Insurance to revoke the certificate of each and every of said companies or associations which shall not file said undertaking, properly filled out, executed and authenticated within thirty days after the mailing of said blank form, and to cause notification of such revocation to be published in some paper of general circulation in this State once in each week for four weeks.

Duty of Commissioner to investigate violations of this act.

SEC. 7. It is hereby made the duty of the Commissioner of Insurance, or his deputy, on receiving notice in writing or otherwise, of any violation of the provisions of this act, to investigate the same, and if he shall become satisfied that any company or association is violating the undertaking provided for in section one, or the provisions of section two, or is represented by any agent who is violating the provisions of section three, he shall forthwith revoke the certificate granted in behalf of such company or association, and cause notification thereof to be published in some paper of general circulation in this State once in each week for four weeks.

Penalty for soliciting, etc., business for company where certificate is revoked.

SEC. 8. Any person or persons who shall act as agent, solicitor, surveyor, or broker, or transact, or aid in any manner, directly or indirectly, in transacting, or soliciting, within this State, business for any such company or association, or in procuring or assisting to procure a policy of insurance on property situated within this State in any such company or association, after its certificate of authority has been revoked in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifty dollars, nor more than one hundred dollars, and in default of payment thereof shall be imprisoned in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

Prosecution of violations.

SEC. 9. All violations of this act shall be prosecuted in the name of the people by the prosecuting attorney, and all fines collected for violations of this act shall be paid into the treasury of the county in which the complaint was filed, to be disposed of according to law.

Expenses of commissioner, how paid.

SEC. 10. All necessary expenses incurred by the Commissioner of Insurance in carrying out the provisions of this act shall be audited by the Board of State Auditors and paid out of the general fund.

When this act to apply.

SEC. 11. The provisions of this act shall not apply to companies now authorized to do business in this State until after the thirty-first day of January, eighteen hundred and eighty-eight.

Approved June 28, 1887.

[No. 286.]

AN ACT to amend section one of act number two hundred and thirty-three of the public acts of eighteen hundred and eighty-one, being an act entitled "An act to re-organize the Michigan Institute for Educating the Deaf and Dumb," approved June seven, eighteen hundred and eighty-one, the same being compiler's section eighteen hundred and thirty-six, of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number two hundred and thirty-three of the public acts of eighteen hundred and eighty-one, entitled "An act to re-organize the Michigan Institute for Educating the Deaf and Dumb," approved June seven, eighteen hundred and eighty-one, the same being compiler's section eighteen hundred and thirty-six of Howell's Annotated Statutes of Michigan, be and the same is hereby amended so as to read as follows: Section amended.

SECTION 1. *The People of the State of Michigan enact*, That the institution located at Flint for educating the deaf and dumb and the blind shall be known as the Michigan School for the Deaf. Name of institution.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 287.]

AN ACT to amend sections five, seventeen, twenty-two and twenty-three of act number one hundred and sixty-one of the public acts of eighteen hundred and eighty-five, entitled "An act to establish the police court of the city of Detroit," approved June nine, eighteen hundred and eighty-five, and to add one section thereto to stand as section twenty-six.

SECTION 1. *The People of the State of Michigan enact*, That sections five, seventeen, twenty-two and twenty-three of act number one hundred and sixty-one of the public acts of eighteen hundred and eighty-five, entitled "An act to establish the police court of the city of Detroit," approved June nine, eighteen hundred and eighty-five, be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 5. The police justices may be removed from office in like manner and for like cause as is provided by law for the removal of justices of the peace. The clerk and assistant clerks may be removed from office by the police justices upon proof of incompetence [incompetency], gross neglect of duty, or willful misconduct in office. Resignation of office by any police justice shall be made to the mayor of the city of Detroit, who shall immediately inform the common council of said city thereof. Resignation of office by any clerk or assistant clerk shall be made to the police justices, who shall cause to be made an appropriate record of the same. Removal from office.
Resignation of justice, clerk and assistant clerk.

When vacancy deemed to exist.	cancy in office of police justice, clerk, and assistant clerk shall be deemed to exist when the incumbent shall have died, resigned, been removed from office, ceased to be a resident of the city of Detroit, or wholly failed, for any cause other than sickness, for a continuous period of three months, to perform the duties of his office. Vacancy in the office of clerk and assistant clerk shall also be deemed to exist if such clerk or assistant clerk shall not, within the time fixed by the common council, file new or additional security when required, as provided in section four of this act. The said police justices shall be ineligible to any other office during the term for which they are respectively elected.
Not eligible during term, to any other office. Default in payment of fines, subjects to imprisonment.	SEC. 17. When by any statute of this State a forfeiture is provided as a penalty for the violation thereof, and such violation is an offense falling within the jurisdiction of the police court to hear, try, and determine, the offender shall, upon conviction in that court, be sentenced to pay a fine not exceeding the amount of such forfeiture, and in default of the payment of such fine to be imprisoned in the Detroit House of Correction for a definite period, not exceeding ninety days, unless such fine be sooner paid: <i>Provided</i>, That the said police court is excepted in all cases from the operation of law requiring the filing of certificates of conviction with the county clerk.
Proviso.	SEC. 22. Juries in the police court shall be judges of the law and the facts. They shall be composed of six persons, who shall severally possess the lawful qualifications of jurors in the recorder's court of the city of Detroit, and any challenge which would be valid if made in the recorder's court shall be valid and sufficient if made in the police court: <i>Provided, however</i>, That but two peremptory challenges shall be allowed to the people and a like number to the accused in all trials in the police court. The
Jurors, judges of the law, etc.	Board of Jury Commissioners, as created by act number one hundred and sixty of the session laws of eighteen hundred and eighty-one, shall annually, or whenever required by the senior police justice in accordance with the method provided by that act, select persons to serve as jurors for the trial of cases, matters and proceedings in the police court, and shall file a list of the persons so selected with the clerk of the police court. The number to be selected on the third Monday in May of each year, as provided by said act, shall be three hundred. After the filing of such list the proceedings for selecting, summoning, and compelling the attendance of jurors and talesmen shall be, as far as practicable, the same as is provided by law for like purposes in the recorder's court, except that the attendance of the sheriff shall not be required. Jurors shall be drawn and summoned for a term of one month, which shall be the calendar month next succeeding such drawing. Not less than eighteen nor more than thirty-six jurors shall be drawn and summoned for a term, unless for a special reason the senior police justice shall in writing direct that a greater number be drawn and summoned. The persons so drawn shall be notified in writing of their liability to jury duty in the police court for the calendar month to be specified, which notice
Proviso.	Selection of.
Selection of.	Number to be selected.
Number to be selected.	Proceedings for selecting, summoning, etc.
Proceedings for selecting, summoning, etc.	Number drawn.
Number drawn.	Number drawn.

shall be served personally, if practicable, upon each person so drawn, by a member of the police, and a return in writing of the time and manner of such service shall be made and filed with the clerk of the police court. The actual attendance of the persons Attendance.
duly notified, for jury service, may be required and enforced according to law. No juror shall be excused from attendance for How excused.
the term except by the concurrence of the two police justices. Whenever by law the recorder, or judge of the recorder's court, is Duty of senior
required or directed to be present at or participate in any part of police justice.
the proceedings to select jurors for that court the senior police justice, or acting senior police justice, shall perform like duty in like proceedings to select jurors for the police court.

SEC. 23. In all cases determined in said police court when the sentence of imprisonment shall exceed twenty days, or where the fine imposed shall exceed twenty-five dollars, the judge of the recorder's court of the city of Detroit, or in case of his absence or inability to act in the premises, then either of the judges of the circuit court having jurisdiction in the city of Detroit, may allow an appeal to the recorder's court, upon satisfactory affidavit presented to him within five days after the trial, showing the circumstances of the trial, and the substance of the evidence taken thereon, if, in the opinion of said recorder or judge, justice requires an appeal. On filing such affidavit and the allowance of said appeal endorsed thereon, with the clerk of the police court, such appeal may be taken in the manner and with the effect and restrictions prescribed for appeals to the circuit court in cases of sentences by justices of the peace in criminal cases: *Provided*, Provision.
That if the appeal is taken on behalf of a person imprisoned under sentence the recognizance required by law may be entered into on his behalf by the surety or sureties on appeal, and such recognizance shall have the same force and effect in all respects as though entered into personally by the person so appealing.

SEC. 2. That there be and there is hereby added to said act a new section to stand as section twenty-six in the words following:

SEC. 26. Search warrants may be issued by the police court Search war-
in all cases authorized by law, and with like conditions and lim- rants, issue of,
itations. Such process shall be directed as provided by section and proceedings
eighteen of this act, and shall command the officer executing the under.
same to notify the person upon whose premises any of the property specified in such process may be found to appear at the police court at a time to be specified in such notice, to show cause why the property so found and seized should not be disposed of on such process in the manner provided by law. A memorandum, containing the substance of such notice and in a form approved by the senior police justice, shall be served by the officer upon the person upon whose premises any such property is seized. Such service shall be made at the time, as near as may be, that the property is seized, and by the officer executing the process, and may be served personally upon any person claiming rights in the property seized, or be left on the premises mentioned in the war-

Hearing as to
rights, etc.

Disposition of
property.

Right of search,
etc., limited to
city of Detroit.

rant of search with any person for the time being having the charge of said premises. At the time mentioned in such notice, or at such other time to which the hearing may be adjourned, one of the police justices shall proceed to hear and inquire into all matters relating to the issuing and execution of such search warrant, and shall hear evidence, if any be offered, by any person claiming such property against the right of seizure under such search warrant. If the said police justice shall not be satisfied, upon such hearing that a disposition of the property so seized may be justly made under such process, he shall order that the property be returned to the person and to the place from whence it was taken; otherwise he shall dispose of the same according to law and the very right of the matter. All proceedings under this section shall be summary, and no warrant of search issued by the police court under this section shall justify any search or seizure on premises beyond the corporate limits of the city of Detroit.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 288.]

AN ACT to amend chapter one hundred and ninety-three of the compiled laws of eighteen hundred and seventy-one, being chapter two hundred and sixty-seven of Howell's Annotated Statutes, by adding four new sections thereto, relative to the sale of homesteads for the payment of debts of deceased persons, and expenses of administering their estates.

Chapter
amended.

SECTION 1. *The People of the State of Michigan enact, That* chapter one hundred and ninety-three of the compiled laws of eighteen hundred and seventy-one, being chapter two hundred and sixty-seven of Howell's Annotated Statutes, be and the same is hereby amended by adding four new sections thereto to read as follows:

What lands may
be sold to pay
expenses, etc.

SEC. 1. Whenever application shall be made to a probate court for an order to sell the real estate of a deceased person for the purpose of paying his debts or the expenses of administering his estate it shall be the duty of the court to ascertain and determine, at the hearing of such application, what, if any, of such real estate in fact constituted the homestead of the deceased at the time of his death, and to fix, by its decree, the location and description thereof without reference to its value, but not exceeding in extent the quantity exempted by law from the payment of debts. If it shall appear at the hearing of such application that there is real estate not included in the homestead as thus decreed that may be used for the payment of debts, the same shall be first sold and the proceeds thereof applied according to law. If it shall appear that there is no real estate other than that thus decreed to be the homestead that may be used for

When home-
stead may be
sold.

the payment of debts, or, if the proceeds of the sale of the real estate, other than such homestead, shall, upon the report and approval of such sale, prove insufficient for the purposes thereof, the probate court may order the sale of the homestead, or a division of the same and the sale of a portion thereof, under the circumstances and in the manner hereinafter provided.

SEC. 2. Before a sale or division of the homestead is ordered it shall be examined and appraised by three disinterested persons, who shall be appointed by the probate judge and who shall be sworn to the faithful discharge of their trust. The persons so appointed shall, with reasonable diligence, examine the homestead and appraise the same at its fair cash value, and in case such value shall exceed fifteen hundred dollars they shall determine whether or not the premises can be divided without material loss or injury, so that a homestead not exceeding in value fifteen hundred dollars may be set apart for the benefit of the widow or family of the deceased. Upon the completion of such examination and appraisal they shall report under their hands to the probate court their appraisal of the fair cash value of the homestead, and if such value exceed fifteen hundred dollars they shall also report whether or not the homestead as fixed by the decree of the probate court can be so divided, and a homestead, of which they shall give the metes and bounds, and in which they shall include the dwelling house and its appurtenances, not exceeding in value fifteen hundred dollars, can be set apart for the benefit of the widow or family of the deceased.

Appraisal of homestead.

Report of appraisal.

SEC. 3. At any time after the filing of such report and before the estate shall have been finally closed, the probate court, at the request of any person interested in the estate, shall order all parties interested therein to show cause why such report should not be confirmed. Notice of the time to show cause shall be given by publishing a copy of the order at least once in each week for three successive weeks in a newspaper published and circulated in the county and by leaving a copy of the order at the homestead. At the time appointed, or at some adjourned time, the probate court shall hear and consider all objection to the confirmation of the report, whether of law or fact, and shall confirm the report unless it shall be satisfied that the appraisal is materially unfair or unjust, or that the division, if recommended, is in some substantial respect improper, in either of which events the court shall disapprove the report and order a new examination and appraisal. Whenever the court shall order a new examination and appraisal it shall appoint three other disinterested persons, who shall proceed as above provided in the case of the persons first appointed, subject to like review and action by the probate court.

Confirmation of report.

New appraisal.

SEC. 4. Upon the confirmation of the report the probate court shall proceed as follows:

Proceedings on confirmation of report.

First, If the appraised value of the homestead, as fixed by the probate court in the manner provided in section one of this act, shall not exceed fifteen hundred dollars, no further action shall

When value of homestead does not exceed \$1,500.

be taken or had in the matter until such homestead shall cease to be exempt from the payment of the debts of the deceased;

When it exceeds
\$1,500 and can
be divided.

Second, If the appraised value of the homestead, as fixed by the probate court, in the manner provided in section one of this act, shall exceed fifteen hundred dollars, and it shall have been reported, as above provided, that the premises can be divided, and that a homestead, not exceeding in value fifteen hundred dollars, can be set apart for the benefit of the widow or family of the deceased, the probate court shall order that the latter homestead be set apart for the benefit of the widow or family of the deceased until the same shall cease to be exempt from the payment of the debts of the deceased, and shall further order that the remainder of the premises be sold for the payment of debts and the expenses of administration in the manner provided by law;

When it exceeds
\$1,500 and can
not be divided.

Third, If the appraised value of the homestead, as fixed by the probate court in the manner provided in section one of this act, shall exceed fifteen hundred dollars, and it shall have been reported that the premises cannot be divided, and a homestead not exceeding in value fifteen hundred dollars be set apart for the benefit of the widow or family of the deceased, the probate court shall order the whole of such premises to be sold according to law. The executor or administrator shall reserve and retain from the proceeds of such sale the sum of fifteen hundred dollars for the benefit of the widow or family of the deceased, as the case may be, and shall apply the remainder, so far as the same shall extend, or so far as the same shall be necessary, in payment of the debts of the deceased, and the expenses of administering his estate. The sum so reserved and retained by the executor or administrator shall be invested by the executor or administrator, with the approval of the probate judge, either in the purchase of a new homestead, or in proper securities for the benefit of the widow or family of the deceased, as may seem best, and the same, or the property or securities in which it shall be invested, shall remain exempt from the payment of the debts of the deceased and the expense of administering his estate in like manner as a legal homestead of the deceased, had he left one, would have remained exempt, and shall finally descend according to the laws of this State governing the descent of real property.

Approved June 28, 1887.

[No. 289.]

AN ACT making an appropriation of State swamp land for the purpose of cleaning, dredging, and clearing out the south branch of Black Creek, in the township of Eggleston, and also the township and county drains in the township of Moorland, in Muskegon county, and directing the Board of Control of State Swamp Lands to construct the same.

SECTION 1. *The People of the State of Michigan enact, That* for the purpose of aiding in improving the south branch of Black Creek, in the township of Eggleston and county of Muskegon, and for the purpose of aiding in improving the township and county drains in the township of Moorland, in said county of Muskegon, and opening, widening, and deepening the same, to the end that the large territory now periodically submerged may be reclaimed, and the sanitary condition of the adjacent lands improved, there shall be and hereby is appropriated sixteen sections of swamp land in the Lower Peninsula of this State in market, and the same shall be expended by order of the Board of Control of State Swamp Lands under the provisions of act number one hundred and seventeen of the public acts of eighteen hundred fifty-nine, and the acts amendatory thereto, except as herein otherwise provided.

Appropriation of lands and purposes of.

SEC. 2. Said lands, or any part or parts thereof when selected, shall be withheld from sale from and after the time said townships, their assigns or their contractor or contractors, his or their assigns under this act, respectively, shall notify the Commissioner of the State Land Office of the selection of the same, or any such part or parts, and shall be withheld for the entire time fixed by this act for the completion of the work. Upon the filing with the said Commissioner of the State Land Office the certificate of the commissioner who shall be appointed under this act, that one-half of said work in either of said townships is completed, one-half of said lands hereby appropriated to such townships shall be patented to the contractor or contractors for such townships under this act. And the remainder of such lands shall be in like manner patented upon a like certificate of the entire completion of the work in such townships.

Lands shall be withheld from sale from and after certain time.

When lands to be patented to contractor, etc.

SEC. 3. An application in writing, signed by three or more freeholders of each of said townships of Eggleston and Moorland, and residing in said townships, may be presented to the probate court of the county of Muskegon for the appointment of a commissioner under this act to superintend the construction of the work herein provided for, and perform such other duties as may devolve upon him by virtue of this act. It shall be sufficient in said petition to refer to this act by date of approval and title for a description of the work for the construction of which said commissioner is petitioned to be appointed. The court to whom such application is made shall at once issue an order directing all persons interested in said petition and the work provided for by this act to appear before such court at a time and place therein to be specified, not less than two or more than four weeks from the time of making such order, to show cause why such commissioner should not be appointed and be heard with reference to the appointment of the same. A copy of such order shall be posted up in three of the most public places in each of the townships of Eggleston and Moorland in Muskegon county, in this State, at least ten days before the hearing of this petition. Said court shall at the time named in said order, or at such time as

Commissioner to superintend the work, application for, etc.

Copy of order of court to be posted up, etc.

the hearing may be adjourned to, not exceeding thirty days in all from the day first appointed, proceed to hear the proofs and allegations of the parties, and if it shall appear that said work is necessary, and for the good of the public health, or highways, and a means of reclaiming swamp and overflowed lands in said townships, he shall appoint such commissioner and deliver to the person so appointed a certificate of his appointment, and send a certified copy of the order appointing such person as such commissioner to the Commissioner of the State Land Office in this State.

Oath and bond
of commis-
sioner.

SEC. 4. The person so appointed shall, within ten days after such appointment, take, subscribe, and file with the county clerk of said county of Muskegon the oath of office required by the constitution of this State, and shall, within the same time, make, execute and file with such clerk a bond to the county of Muskegon, with sufficient surety or sureties, to be approved by said county clerk for the sum of five thousand dollars (\$5,000) conditioned for the faithful performance of the trusts and duties devolved upon him by this act.

In case of
failure to
qualify.

SEC. 5. In case of the failure of any person who may be appointed as the commissioner under this act to qualify or to act as such commissioner for any cause, it shall be the duty of the probate court aforesaid, upon petition to said court, duly verified, setting forth the facts upon which said petition is based, to proceed in the same manner provided in section three of this act for the appointment of a commissioner, and appoint some other person as such commissioner.

Commissioner
to have survey
made.

SEC. 6. Said commissioner shall at once proceed without further petition or other preliminary proceedings, said petition to said probate court being the basis of his proceedings, to have the survey for said work made or completed by a competent surveyor, and prepare the necessary plans and specifications and detailed estimates for cleaning, dredging, and clearing out the said south branch of Black Creek, in the township of Eggleston, and also the township and county drains in the township of Moorland, in the county of Muskegon, and shall establish the commencement and terminus, and determine the route, width, length and depth of said improvement, and for that purpose he may enter upon any lands traversed by the proposed route of said work or improvement.

To procure right
of way.

SEC. 7. Upon the determination of said commissioner, and upon the completion of the survey, plans and specifications of said improvement, the said commissioner shall take steps to procure title to the county of Muskegon of the lands or the right of way necessary therefor, and for this purpose is hereby vested with all the powers conferred upon the county drain commissioners, and may proceed, without further petition or other preliminary proceedings, in the manner provided for acquiring title for county drains, proceeding under said petition to said probate court for the appointment of the said commissioner, or he may proceed under any other law of the State providing for condemning

right of way. The said commissioner is hereby vested with all the powers conferred upon county drain commissioners by act number two hundred and twenty-seven, session laws of eighteen hundred and eighty-five, and may proceed in the same manner and be governed by the same law in the prosecution of said improvement from its commencement to its completion, except as in the [this] act otherwise provided. Said commissioner shall at once, after having secured the entire right of way for said work or improvement, make an order establishing said improvement, describing the work in each township separately.

Power of.

SEC. 8. The certificate of said commissioner on the proper township for the amount of any damages that may be awarded, if any, in obtaining the right of way, and made payable to the owner of the description on which such damages were awarded, describing such lands by their legal subdivision in such certificate, and tendered to the person entitled thereto, or deposited with the township clerk of said township, to be delivered to such person when called for, shall be deemed a sufficient security for the amount of such damages.

Certificate of security for damages.

SEC. 9. The commissioner appointed under this act may solicit and receive subscriptions in writing from individuals, firms, and corporations in aid of the improvement provided for in this act. Such subscriptions shall be contained in two separate lists, one for the work in each of said townships. That subscription list for each respective township shall be included in the advertisement for letting the contract for said work in such townships as hereinafter mentioned, and shall, by said commissioner, under this act, be assigned to the contractor of the work in such township at the time of making said contract. The time of payment of any such subscription to be as follows: One-fourth of that per cent of each of said subscriptions which the proper contractor is to have for doing the work is to be due and payable at such time as the commissioner under this act shall certify that one-fourth of the work to be done by said contractor has been performed; and one-fourth of such per cent of each of such subscriptions shall become due and payable at such time as the commissioner under this act shall certify that one-half of said work has been performed; and one-fourth of such per cent of each of said subscriptions shall become due and payable at such time as the commissioner under this act shall certify that three-fourths of the work to be done has been performed; and the remainder of such per cent of said subscriptions shall be due and payable at such time as the commissioner under this act shall certify that the said contract has been completed; and it shall be the duty of the commissioner under this act to so certify in writing to said contractor when, in his opinion, one-fourth, one-half, three-fourths, and when the whole of the contract is finally completed: *Provided*, That additional subscriptions may be received after advertising to let such contracts, it being the intent of this act that the said special commissioner shall solicit aid of the several parties, respectively, to be benefited by this improvement.

May solicit and receive subscriptions, etc.

Time of payment of subscriptions.

Proviso relative to additional subscriptions.

When commissioner shall advertise for the letting of contracts, etc.

Commissioner may adjourn said letting, etc.

Bonds of contractors.

Proviso relative to letting contracts.

Idem.

Assignment of subscription lists to contractor.

Collection of subscriptions, etc.

SEC. 10. Upon the completion of said subscription list to the satisfaction of said commissioner, said commissioner shall advertise for the letting the contract or contracts for the construction of said work for at least four consecutive weeks in a newspaper published in said county of Muskegon, and he shall let such work in one contract or in two separate contracts, and if two separate contracts, one for each of such townships, and if in two separate contracts on the same or different days, to the person or persons who will do the same according to the specifications for the least percentage of the subscriptions secured in aid of the work in such townships in addition to the lands hereby appropriated to such townships. Said commissioner may adjourn said letting from time to time to such other time or place to be by him at the time of such adjournment publicly announced as to him shall seem proper, but not in all more than sixty days from the time first advertised, and he may reserve the right to reject any or all bids. The contractor or contractors shall each give a bond to the said commissioner, with at least two sureties to be approved by said commissioner, in such amount and upon such [said] terms as said commissioner shall require to secure the faithful performance of the work: *Provided*, That said contract must not be let for any amount in addition to said lands and subscription lists for said townships, respectively, and the commissioner is not authorized to advertise for letting such contract until such time as, in his opinion, he has secured sufficient subscriptions in one or both of said townships to secure the letting of such contract in such township; said commissioner being hereby authorized to advertise for letting the contract in each of said townships when, in his opinion, he has secured a sufficiently large subscription list to secure the contract being let in either township. And if said commissioner shall not be able to let the contract in both of said townships on the day first advertised therefor, by reason of not being able to secure a bid therefor within the limit aforesaid, he shall adjourn the letting of the contract for such township or townships in which such contract remains unlet, and proceed to solicit additional subscriptions for the work in such township or townships, which additional subscriptions need not be included in the advertisement for letting the respective contracts; but notice of such adjournment shall be published in said newspaper, together with the statement that additional subscriptions will probably be secured prior to such adjourned day.

SEC. 11. Such subscription lists shall, by the commissioner, be assigned to the proper contractor at the time of making the contract, which contractor shall be entitled to collect his percentage of the same in four equal installments ratably, as the work is shown to have progressed by the certificate of the commissioner, which certificate said contractor shall be entitled to receive on the completion of one-fourth, one-half, three-fourths and the whole of the respective contracts. The contractor shall be entitled to collect such installments of the several subscribers ratably in an action of debt, and all such subscriptions up to the given per cent of

their face value for which the job was let shall be a legal charge and debt against the firm, individual, or corporation, making the same until paid; but all that portion, if any, of such subscriptions over and above the percentage of the par or face value thereof for which the job was let are hereby made void and returned to the several subscribers respectively.

SEC. 12. It is hereby provided that if, after the expiration of six months from the date of the order establishing said improvement, said commissioner shall not have secured a sufficient amount of subscriptions in either of said townships to, in his opinion, secure the letting of the contract in both or either of said townships, or, if after having endeavored to let the contract in either or both of said townships as aforesaid, said commissioner is unable to let such contracts, or either of them, within the said sixty days, said commissioner shall estimate the amount of subscriptions from responsible parties that would be required to secure the contract being let in such township or townships, respectively, and he shall advertise the same in such manner as he may deem best, together with the information that if the required amount of subscriptions shall not have been received within thirty days thereafter, that the work, so far as had subsequent to the appointment of such commissioner in the townships in which such contract remains unlet, will be abandoned. If, at the expiration of said thirty days, such subscriptions shall have been received in sufficient amount to, in the opinion of said commissioner, secure the letting of either or both of such contracts, he shall advertise in such newspaper as aforesaid, for letting such contract or contracts. And on the day thus first set for letting such contract or contracts said commissioner shall let either or both of such contracts in all respects as hereinbefore provided; but if either of said contracts shall remain unlet, or if, after advertising therefor as aforesaid, a sufficient amount of subscriptions shall not have been secured, said commissioner shall make an order abandoning the work so far as had in such township or townships in which the contract has not been let.

Duty of commissioner in case a sufficient amount of subscriptions have not been secured, etc.

SEC. 13. The cost of constructing said improvement, together with the expenses incident thereto in excess of the appropriation hereby made, and of any contributions which the said commissioner may secure, may be assessed upon, and when so assessed shall be paid by the said townships, by reason of the benefit to the public health, and as a means of improving any public highway in said townships, the same to be paid equally, share and share alike, except as herein otherwise provided. Upon the letting of such contracts, or [on] making the order abandoning the work in either of said townships, the commissioner shall make a computation of the costs of such improvement, in excess of the land hereby appropriated, and any reliable contributions he may have secured to aid said work, which shall include all the expenses of locating and establishing the same, including the commissioner's compensation at the rate of three dollars per day for the time actually employed, cost of survey, fees and expenses incident to determining damages, the amount of damages, if any,

Cost, etc., in excess of appropriation may be assessed, etc.

Upon letting contracts, etc., commissioner shall compute costs, etc.

and all their other expenses not otherwise provided for. He shall add the whole in a gross sum, which amount, when so ascertained, he shall apportion to the said townships of Eggleston and Moorland respectively, share and share alike: *Excepting, first*, That whatever damages may be awarded in securing the right of way shall be paid by the townships in which the lands lie for which such damages were awarded: *And excepting, second*, That in case the work in either of said townships shall have been abandoned, as provided in the last preceding section of this act, all expenses incurred subsequent to the making of the first order abandoning such work, shall be paid by the townships in which such work lies, respectively. Said commissioner shall issue certificates for the aforesaid expenses incurred in said work, issuing one-half in amount of such certificates on each of such townships, except as aforesaid, and shall make two certified copies of such computation of cost, fully itemized in detail, and attach to each a complete list of all certificates issued to said date of making such computation, and deliver such copy to the township clerk of each of such townships as soon as practicable after such letting of such contracts, or the abandonment of the work in either or both of said townships; and it is hereby made the duty of the respective town boards of said townships to audit and pay their respective share of all such necessary expenses: *Provided*, That if said work shall have been abandoned in either of said townships as aforesaid said commissioner shall, upon the letting of the contract for such work, or making the second order abandoning the same, make a separate computation of the expenses of the work incurred in such townships subsequent to such abandonment, and present a certified copy of the same to the township clerk of the proper township as aforesaid, and the township board of such township shall in like manner audit and pay such necessary expenses incurred thereon subsequent to such first order of abandonment, in addition to the one-half share of the expenses prior thereto.

Exceptions.

Commissioner shall issue certificates of expenses, etc.

Proviso.

Improvement to be under control of commissioner.

Proviso.

Penalty for injury to improvement.

SEC. 14. Said improvement shall be under the control of the township drain commissioner of each township in which the same is situated, after the rendering of the final account of the commissioner, as provided for in the last preceding section. Each county drain commissioner shall have charge of that portion of said improvement lying in his respective county: *Provided*, That if there shall be no county drain commissioner in either of said counties, the said improvement lying in such county having no county drain commissioner shall be under the control of the township drain commissioner of each township in such county in which such improvement extends, each such township drain commissioner having charge of that portion of said improvement lying in his respective township.

SEC. 15. If any person shall willfully or maliciously remove any division stake set along the line of said work, or if any person shall obstruct or injure said improvement, either before or after completion, by falling timber or brush into the same, or otherwise, he shall, for each and every such offense, be subject to

a penalty of ten dollars, together with such sum as will be required to repair such damage, and costs of suit, which penalty may be recovered in an action of debt, at the suit of the commissioner under this act, for any such offense committed before the rendering of the final account of said commissioner mentioned in section sixteen of this act, and at the suit of the drain commissioner of the county or township in which such offense was committed, if committed, after the rendering of said final account: *Provided*, If any person guilty of said offense shall repair all such damage within five days after being notified so to do by the proper person he shall not be liable under this section. Proviso.

SEC. 16. This improvement shall be completed within five years from the passage of this act, and upon the completion of the work provided for in this act the said commissioner, or his successor, shall file with the township clerk of each township a complete account of his doings hereunder, together with the survey, plans and specifications used, a statement of the cost of the improvement in excess of the lands granted, and the amount of such excess paid by each subscriber thereto, all the releases obtained of the right of way, and a statement showing what proceedings were had to obtain right of way, if any, when had, and what amounts, if any, were awarded as damages, a statement showing what amounts, if any, have come into his hands as such commissioner, from whom received, and to whom paid, all of which statement shall be made under oath. Whereupon, if it shall appear to the township clerk of each of said townships that the said commissioner has faithfully discharged his duties under this act, the township clerk of each township shall so certify to the county clerk of Muskegon county, and said county clerk shall cancel and surrender the bond mentioned in section four of this act. Improvement, when to be completed, and duty of commissioner on completion of the same.

[This act is ordered to take immediate effect.]

Approved June 28, 1887.

[No. 290.]

AN ACT to amend section one of chapter seven, section twenty of chapter nine and section four of chapter eleven of act number sixty-two of the public acts of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, as amended by the several acts amendatory thereof, being compiler's sections two thousand eight hundred and forty-seven, two thousand nine hundred and forty-two and two thousand nine hundred and seventy-three of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter seven, section twenty of chapter nine and section four of chapter eleven of act number sixty-two of the

public acts of eighteen hundred and seventy-five, entitled “An act granting and defining the powers and duties of incorporated villages,” approved April first, eighteen hundred and seventy-five, as amended by the several acts amendatory thereof, being compiler’s sections two thousand eight hundred and forty-seven, two thousand nine hundred and forty-two and two thousand nine hundred and seventy-three of Howell’s Annotated Statutes, be and the same are hereby amended so as to read as follows:

CHAPTER VII.

Powers and authority of villages and the exercise thereof.

(§2847.) SECTION 1. Every village subject to the provisions of this act, shall, in addition to such other powers as are conferred, have the general power and authority granted in this chapter, and the council may pass such ordinances in relation thereto as it may deem proper, namely:

First, To restrain and prevent vice and immorality ;

Second, To punish vagrants, disorderly persons and common prostitutes ;

Third, To abate nuisances and preserve the public health ;

Fourth, To prohibit and suppress disorderly and gaming houses ;

Fifth, To regulate, license, or suppress billiard tables and ball alleys ;

Sixth, To suppress gaming ;

Seventh, To suppress saloons for the sale of spirituous and intoxicating liquors, and license taverns and eating-houses ;

Eighth, To regulate and license public shows and exhibitions ;

Ninth, To license auctioneers, license and regulate hawkers and peddlers, and to regulate or prohibit sales of property at auction, except sales made pursuant to some order of court or public law ;

Tenth, To license and regulate hacks and other public vehicles ;

Eleventh, To provide for and regulate the inspection of provisions, firewood and hay on the public markets ;

Twelfth, To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use of proper weights and measures by venders ;

Thirteenth, To regulate or prohibit bathing in the public waters of the village ;

Fourteenth, To regulate or prohibit the selling, storing or transportation of combustible or explosive substances or materials within the village, and to regulate and restrain the making of fires in the streets or other open spaces in the village ;

Fifteenth, To purchase and regulate cemeteries ;

Sixteenth, To make ordinances for the organization and regulation of the fire department, and for the prevention and extinguishment of fires, and to establish and maintain definite fire limits ;

Seventeenth, To license and regulate solicitors for passengers or

for baggage for any hotel, tavern, public house, boat, or railroad ; also draymen, carmen, truckmen, porters, runners, drivers [of] cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation ;

Eighteenth, To require any horse, horses, mules, or other animals attached to any vehicle, or standing in any of the streets, lanes, or alleys in the village to be securely fastened, hitched, watched, or held ;

Nineteenth, To prevent and punish horse-racing and immoderate driving in any street, park, or alley, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, park or alley in the village ;

Twentieth, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large, in violation of any ordinance of the village ;

Twenty-first, To establish lines and grades upon which buildings may be erected, and beyond which such buildings shall not extend ;

Twenty-second, To prevent the erection and provide for the removal of all buildings deemed unsafe ;

Twenty-third, To regulate the placing and provide for the preservation of horse or hitching posts ;

Twenty-fourth, To declare and define the powers and duties of the officers of the village, whose powers and duties are not specifically prescribed in this act ;

Twenty-fifth, To require the treasurer, marshal, and such other officers of the village as the council shall deem proper, to give bonds for the discharge of their official duties ;

Twenty-sixth, To see that the several officers of the village perform [perform] their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty on the part of any of such officers ;

Twenty-seventh, To provide for the care, custody, and preservation of the public property of the village ;

Twenty-eighth, To adopt such other ordinances and make such other regulations for the safety and good government of the village and the general welfare of its inhabitants as are not inconsistent with the general laws of this State.

CHAPTER IX.

(§2942.) SEC. 20. The treasurer of the village shall preserve in books to be kept by him for that purpose a list of all lands returned by the marshal to him as delinquent for taxes assessed thereon as aforesaid, and upon taxes so returned, interest shall be charged at the rate of fifteen per cent [per] annum from the date of the return of the warrant until paid. If such taxes and interest shall remain unpaid for the period of one year from the date

Record of lands returned as delinquent for taxes.

When treasurer to sell, etc.

of said return of warrant the treasurer shall cause the land charged with the tax and interest aforesaid, or so much thereof as may be necessary to pay the tax and interest, and the expense of sale herein provided for, to be sold at public auction for that purpose. The treasurer shall include with and add to the total amount of taxes and interest against each parcel of land advertised for sale sixty cents to cover the cost of advertising and other expenses of sale.

CHAPTER XI.

Question of borrowing money to be submitted to electors.

(§2973.) SEC. 4. Before any money shall be borrowed, appropriated, raised or expended for the construction of water works in any village subject to the provisions of this act the council shall cause to be made an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the village, at its annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as a majority of the electors voting at such election by ballot shall decide: *Provided, however,* After water works have been constructed in a village by virtue of any of the provisions of any law of this State the council may then raise and expend, in making repairs or alterations, or in extending such works, such sum as it may see fit, without submitting the question to the electors of the village: *Provided,* The sum to be so expended in any one year shall not exceed the sum of one-half of one per cent of the assessed valuation of the village: *And provided also,* The sum to be raised for such purpose shall be included in the amount which, by the provisions of section one, chapter nine of this act, the council is authorized to raise.

Proviso.

Proviso.

Proviso.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 291.]

AN ACT to amend section nine of act number one hundred and forty-eight, session laws of 1885, entitled "An act to establish a State House of Correction and a branch of the State Prison in the Upper Peninsula, and to provide for the location and erection thereof, and making an appropriation therefor."

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section nine of act number one hundred and forty-eight, session laws of eighteen hundred and eighty-five, entitled "An act to establish a State House of Correction and a branch of the State Prison in the Upper Peninsula, and to provide for the location and erection thereof, and making an appropriation therefor," be and the same is hereby amended so as to read as follows:

SEC. 9. Each of the members of said board of commissioners shall be entitled to receive three dollars for each day hereafter actually and necessarily devoted to the discharge of his duties as a member of said board of commissioners, and in addition thereto, his actual expenses incurred in the discharge of said duties; and the architect, secretary and treasurer hereinbefore provided for shall receive a reasonable compensation for their services, to be established by the board of commissioners and approved by the Governor, which compensation and expenses shall be audited by the State Board of Auditors.

Compensation of board.

Of architect, secretary and treasurer.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 292.]

AN ACT to provide for the introduction and use of safety gates upon swing and draw bridges.

SECTION 1. *The People of the State of Michigan enact*, That the corporation, firm or individual, owning or operating any bridge within this State, free or toll, used for public travel, in which there shall be a draw or swing span for the passage of water craft, shall cause to be placed upon the approaches to such bridge, at either end thereof, not farther than ten feet from the landward ends of such draw or swing span, a gate or gates of not less than four and one-half feet in height, and of such design, shape and strength, as to effectually bar the progress of teams, animals and foot passengers [passers] and prevent them from passing upon such draw or swing span when such gates are closed.

Persons, etc., owning, etc., drawbridges to place gates upon the approaches to.

SEC. 2. Such gate or gates shall be at all times closed before such draw or swing span is opened for the passage of water craft, or any other purpose, and shall be kept closed until such draw or swing is closed, and such bridge ready for public travel. And for each and every time that the draw or swing span of any such bridge is opened for the passage of water craft, or any other purpose, without such gates or gate being closed, or without the same being kept closed during the entire time such draw or swing is open, the corporation, firm or individual owning or operating such bridge shall forfeit the sum of ten dollars, to be collected according to the provisions of chapter two hundred and ninety-one of Howell's Annotated Statutes, being chapter two hundred and sixteen of the compiled laws of eighteen hundred and seventy-one and the amendments thereto.

Gates, when to be closed.

Penalty for neglect to close, etc.

SEC. 3. Any corporation, firm or individual owning or operating any bridge within this State used for public travel having a draw or swing span therein, who shall neglect or refuse to construct and maintain such safety gate or gates, so directed as aforesaid, upon either end of such bridge, shall forfeit for every such neglect the sum of one hundred dollars, and the further sum

Penalty for neglect to construct gates.

of ten dollars for each day that such refusal or neglect shall continue, which said sum so forfeited as aforesaid shall be collected as provided in section two of this act.

Prosecuting attorneys to inspect bridges, etc.

SEC. 4. It is hereby made the duty of the several prosecuting attorneys of this State, within thirty days after this act shall take effect, to make personal inspection of all bridges lying wholly or partly within their respective counties, which have a draw or swing span therein, and if such gates or gate have not been placed upon any such bridge, to at once proceed against the corporation, firm or individual owning or operating such bridge for non-compliance with this act. Such prosecuting attorneys shall be entitled to receive the sum of ten cents per mile, going and returning, for every mile necessarily traveled in making inspection as aforesaid of any bridge within their jurisdiction, to be paid by the county.

Compensation for inspecting.

Actions for recovery of penalties, where brought.

SEC. 5. Actions for the recovery of the forfeitures and penalties incurred by reason of non-compliance with the provisions of this act shall be brought before the circuit court or circuit court commissioner of the county in which such bridge or any part thereof is situate, but such trial shall be had by the court unless such defendants demand a jury. The fees of such commissioner, witnesses, officers and jury, if there be one, shall be the same as in criminal cases in justice courts, and shall be paid by the county.

Power of circuit courts.

SEC. 6. The circuit courts shall have power within their respective counties to compel compliance with the provisions of this act by writ of mandamus.

Approved June 28, 1887.

[No. 293.]

AN ACT to preserve evidence of error or fraud in the counting of ballots and in elections [election] returns, and in the count of inspectors of elections [election] and the declaration of the board of canvassers in contested elections.

Petition to probate judge of candidate intending to contest election.

SECTION 1. *The People of the State of Michigan enact, That* any candidate voted for at any election in this State intending to contest the same, may, after the decision of the board of canvassers, and without waiting to commence *quo warranto* proceedings, by petition to the probate judge of the county in which the election is held, cause the ballot-boxes, or such number of them as he may specify in his petition, to be brought before the board of examiners created by section six of this act, and by said board to be opened and the ballots therein counted: *Provided, That* at the time of filing such petition he shall deposit thirty dollars with such judge of probate, which amount shall be disposed of as hereinafter provided.

Proviso as to filing petition.

What petition shall set forth.

SEC. 2. Said petition shall set forth that the petitioner was a candidate for the office claimed by him, and by him intended to be contested, and that he received votes therefor; that he has good reason to believe and does believe either—

First, That there was error or fraud in the count or in the returns of the inspectors of elections; or,

Second, That there was error or fraud in the count or determination of the board of canvassers; or,

Third, That there was error or fraud in both, and that it is his *bona fide* intention to contest the count and returns of the inspectors of election, or the count or determined result of the board of canvassers of said election, or of both, and further stating that he believes that unless the ballot-boxes are opened and the ballots therein counted without unnecessary delay his rights will be jeopardized. Said petition shall be in writing, and shall be subscribed and sworn to by the petitioner, or by some one in his behalf, and a copy thereof shall be served upon the person or persons who were candidates for said office at said election.

SEC. 3. Upon the filing of said petition the probate judge shall notify the members of the board of examiners created by section six of this act of the filing of the said petition and shall in the notice appoint a time and place for the board of examiners to meet, and shall issue an order causing the ballot-boxes to be brought before the board of examiners created by section six of this act at a place and at a time specified in the order, which shall not be less than two, nor more than ten days from the issuing thereof; and a copy of said order shall be served upon the persons whose election is to be contested, and also upon the officer in whose custody is kept the ballot-boxes of said election, whose duty it shall be to produce said boxes before said board of examiners at the time and place named in said order.

Duty of probate judge upon filing petition.

SEC. 4. Upon the day and at the place specified in the order the boxes shall be brought before the board of examiners created by section six in [of] this act, and opened by and in the presence of the board of examiners and the judge of probate, and the ballots therein shall be counted by said board. And the board of examiners above mentioned shall proceed to count the ballots in said boxes, and continue the same from day to day until the completion of the count thereof, and shall make a statement in writing of the result of the said count, and each member thereof shall sign the same, and it shall be sworn to by each member of said board before the judge of probate, and the said sworn statement shall be deposited by the judge of probate in the office of the county clerk, and shall be conclusive evidence in any subsequent proceeding at law of the ballots cast in boxes so opened.

When ballot-boxes to be brought before the board of examiners, etc.

SEC. 5. After the ballots are counted they shall be placed back in the boxes and sealed up by said board and returned to the officer who is by law entrusted with the custody thereof.

Ballots, after being counted, shall be sealed up.

SEC. 6. The board of examiners to carry into effect the provisions of this act shall consist of three persons, who shall be electors of the county in which proceedings are had, one appointed by the candidate presenting such petition, one by the candidate opposed thereto, and one by the judge of probate. They shall sit together before the judge of probate [probate judge] at the time and place specified in his order, and said probate

Board of examiners, of whom to consist, etc.

Proviso. judge shall preside over all meetings of said board in accordance with the provisions of this act. If the candidate presenting such petition or the candidate opposed thereto shall decline to so choose a member then the judge of probate shall designate, and the three thus chosen shall constitute the board of examiners: *Provided, however,* That when there is a re-count demanded of the ballots cast for the office of judge of probate then the county clerk shall serve in the place of the judge of probate and perform the duties herein imposed upon the judge of probate in other cases.

When fee deposited with judge to be returned to contestant. SEC. 7. Whenever a contestant, in the opinion of the board of examiners created under this act, establishes the truth of his allegations in his petition for a re-count, the fee of thirty dollars deposited with the judge of probate as provided for in section one shall be returned to him. If he does not establish the truth of his allegations, then in such case the fee shall be paid to the county treasurer to be put into the contingent fund of the county.

Acts repealed. SEC. 8. All acts or parts of acts contravening the provision of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 294.]

AN ACT to amend section thirteen of act number one hundred fifty-three of the public acts of eighteen hundred and eighty-five, being an act entitled "An act to provide for the assessment of property and the levying and collection of taxes thereon," approved June ninth, eighteen hundred and eighty-five.

Section amended. SECTION 1. *The People of the State of Michigan enact,* That section thirteen of act number one hundred and fifty-three of the session laws of eighteen hundred and eighty-five, entitled "An act to provide for the assessment of property and the levying and collection of taxes thereon," approved June ninth, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

What statement shall set forth. SEC. 13. Every person required by this act to make or deliver such statement shall set forth an account of the property held or owned by him as follows:

REAL PROPERTY.

An accurate description of each parcel of land, with the number of acres, and the number of acres improved, and the number and kind of buildings thereon.

PERSONAL PROPERTY CREDITS.

First, All annuities and royalties;

Second, All bonds, notes, mortgages, accounts, demands, claims, and other indebtedness owing to such person, whether such

indebtedness is due from individuals or from corporations,*public or private, and whether such debtors reside within or without this State, including all deposits in banks or with other corporations or individuals;

Third, All *bona fide* indebtedness owing by such person, giving an itemized statement in detail, and to whom owing and the residence of such creditors, and the amount due each, provided he desires to have the same deducted from his credits.

PERSONAL PROPERTY CHATTELS.

First, All shares in banks organized in this State under any law of this State or of the United States, and their value after deducting the value of the real estate taxed to the bank;

Second, All shares in foreign corporations (except national banks) and their value;

Third, All shares in other corporations organized under the laws of this State, when the property of such corporation is not exempt or is not taxable to itself, and their value;

Fourth, All moneys;

Fifth, The value of all gold and silver plate, watches, diamonds and jewelry;

Sixth, The value of all household furniture and musical instruments over and above exemptions;

Seventh, All patent rights and their value;

Eighth, The number and kinds of domestic animals, and their value.

Ninth, All wagons, carriages, and sleighs, and their value;

Tenth, All mechanical and agricultural implements and tools, and their value;

Eleventh, All machinery not affixed to real property, and its value;

Twelfth, All ships, boats and vessels, whether at home or abroad, and their value;

Thirteenth, All merchandise and stock in trade, and its value;

Fourteenth, All logs, timber, posts, and ties, and their value where the same is situated on the second Monday of April, as near as may be, and the distinctive marks thereon, if any, and the place of destination in this State;

Fifteenth, All other goods, chattels and personal property not heretofore specifically mentioned, and their value, except property specifically exempt from taxation;

Sixteenth, All goods and chattels which are exempt from taxation.

Approved June 28, 1887.

[No. 295.]

AN ACT to amend section one of act number one hundred and seventy-one, session laws of eighteen hundred and seventy-three, entitled "An act establishing a State agency for the

care of juvenile offenders," approved April twenty-ninth, eighteen hundred and seventy-three, as amended by act number thirty-seven, public acts of eighteen [hundred] and seventy-five, approved March nineteenth, eighteen hundred and seventy-five, being compiler's section nine thousand eight hundred and ninety-four of Howell's Annotated Statutes, as amended by act number one hundred and sixty-eight, public acts of eighteen hundred and eighty-five, approved June tenth, eighteen hundred and eighty-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section one of act number one hundred and seventy-one, session laws of eighteen hundred and seventy-three, entitled "An act establishing a State agency for the care of juvenile offenders," approved April twenty-ninth, one thousand eight hundred and seventy-three, as amended by act number thirty-seven, public acts of eighteen hundred [and] seventy-five, approved March nineteenth, one thousand eight hundred and seventy-five, being compiler's section nine thousand eight hundred and ninety-four of Howell's Statutes, as amended by act number one hundred and sixty-eight, public acts of one thousand eight hundred and eighty-five, approved June tenth, one thousand eight hundred and eighty-five, be and the same is hereby amended so as to read as follows:

Appointment of agents in the several counties.

SECTION 1. *The People of the State of Michigan enact, That* the Governor may appoint in each county of this State an agent of the State Board of Corrections and Charities for the care of juvenile offenders and dependent children, who shall hold his office during the pleasure of the Governor, and shall be known as the county agent for the county for which he is appointed.

Oath of office.

Before entering upon the duties of his office, and within thirty days after receiving notice of his appointment, the said agent shall take and file with the county clerk of the county for which he was appointed the oath of office prescribed by the constitution

Notice of qualification to magistrates.

of this State; and upon such qualification it shall be the duty of the county clerk to immediately transmit notice thereof to the circuit judge, probate judge, each justice of the peace, and all other magistrates of the county having competent jurisdiction for the trial of juvenile offenders, and also to the superintendent of State institutions which place children in families by contract, indenture or adoption.

Compensation.

Said agent shall receive as compensation for his services under this act his necessary official expenses, together with the sum of three dollars in full for his services for each case investigated or visited and reported on as hereinafter provided, but not exceeding three dollars for any one day's service, which shall be audited by the Board of State Auditors, and paid from the general fund; and when such services and expenses relate to the indenture, adoption or visiting of the children placed in families by any State institution the amounts therefor shall be certified by the superintendent of the institution to which the children belong: *Provided, That* the sum

Proviso limiting compensation.

allowed for the services of said agent in any county, except the

counties of Wayne, Kent, Saginaw and Bay, shall not, in any one year, exceed the sum of one hundred dollars, and that in the counties of Wayne, Kent, Saginaw and Bay the sum so allowed for such services shall not, in any one year, exceed the sum of two hundred dollars.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 296.]

AN ACT to amend sections number twenty-six, thirty-one and forty-one of act number one hundred and seventy-five of the session laws of eighteen hundred and fifty-one, entitled "An act to provide for holding general and special elections," approved June twenty-seventh, eighteen hundred and fifty-one, being compiler's sections numbers [number] one hundred and sixty-two, one hundred and sixty-seven and one hundred and seventy-seven of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact, That* sections number twenty-six, thirty-one and forty-one of act number one hundred and seventy-five of the session laws of eighteen hundred and fifty-one, entitled "An act to provide for holding general and special elections," approved June twenty-seventh, eighteen hundred and fifty-one, being compiler's sections number one hundred and sixty-two, one hundred and sixty-seven and one hundred and seventy-seven of Howell's Annotated Statutes, be and the same are hereby amended so as to read as follows: Sections amended.

(§162.) SEC. 26. There shall be provided and kept by the township clerk in each township, at the expense of such township, and in each ward or voting precinct of any city by the assessor thereof, at the expense of the city, one or more suitable ballot-boxes, with lock and key, which ballot-box shall have an opening through the lid of the proper size to admit a single closed ballot, through which each ballot received shall be inserted; and shall also furnish a township or ward election seal, which shall contain the name of the township or ward and the words "election seal" around the margin thereof, and such other words or device thereon as the township board of the township or common council of the city may desire. Ballot-boxes and seals to be procured and kept by whom.

(§167.) SEC. 31. The ballot-box shall then be opened and the poll list placed therein, the box locked, and at least five minutes before the removal of the same a piece of leather (or canvas) so placed as to extend from the opening in the lid of said ballot-box to the key-hole in such manner as to completely cover both such holes, and the same securely fastened thereon with sealing-wax stamped with the official election seal of such township or ward, such piece of leather (or canvas) and sealing-wax to be so arranged as to render it impossible to open either of said holes without breaking said seal. The key shall then be delivered to one of the Sealing of ballot-boxes.

inspectors, the box to another, and the seal to another of the inspectors. Such box shall not be opened nor the seal broken until the box has been publicly exposed at least five minutes before the opening of the polls.

Copies of defective ballots to be kept, where filed, etc.

Other ballots and boxes, how preserved.

Who to keep election seal.

Penalty for having unlawful possession of seal.

(§177.) SEC. 41. The inspectors shall preserve a true copy of all ballots rejected as defective, with originals attached, and deliver the same to the township clerk to be filed in his office, and the other ballots they shall replace in the ballot-box, close and lock the same, and a covering of leather (or canvas), fastened with sealing-wax, stamped with the official election seal, placed over the hole in the lid and the key-hole to said box, as provided for in section thirty-one of this act, and the ballot-box then delivered to the township clerk or city clerk, as the case may be, who shall keep the same in his office until the next election, subject only to the inspection of the proper authorities in case of a contested election. The election seal shall be kept by one of the inspectors, to be designated by the board, and the key to another, and a record of such custodians duly entered on the minutes kept by the clerk of such election. Any person being found in possession of an official election seal, or an imitation of one, who is not the authorized custodian thereof, shall, on conviction thereof, be punished by imprisonment in State Prison for a term not less than two nor more than five years, or by a fine not less than five hundred dollars, nor more than one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Approved June 28, 1887.

[No. 297.]

AN ACT to authorize the Board of Control of State Swamp Lands to make an appropriation of swamp lands to drain and reclaim marsh and overflowed lands in the townships of Albee and Spaulding, Saginaw county.

Lands authorized to be appropriated and purpose of.

SECTION 1. *The People of the State of Michigan enact*, That the Board of Control of State Swamp Lands be and the same are hereby authorized and empowered to appropriate not to exceed two sections of State swamp land to the mile for the laying out, construction and completion of a State ditch to commence in or about a point where the Mistequay creek crosses the east and west quarter line of section twenty-one [21] in town ten [10] north, of range four [4] east, running thence north, or in a north-westerly course to a point on Flint river, in section thirty-two [32], in town eleven [11] north, of range four [4] east, the same being a distance of four and one-half miles, or thereabouts.

Board of Control, to have charge of work.

SEC. 2. The Board of Control are hereby authorized to make an examination of the proposed line of said ditch, as hereinbefore set forth, and of the lands in said township [townships] proposed to be drained thereby, and if, in their judgment, after such examination, the said drainage can be better accomplished

by a ditch on some other line than the one proposed, such Board is hereby empowered to cause the construction of such ditch on such other line as they may deem best, and to appropriate not to exceed two sections per mile of State swamp lands therefor, as contemplated by section one of this act, the same as if the line of such ditch were specifically defined by this act.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 298.]

AN ACT to amend section one thousand six hundred and seventy-four of the compiled laws of eighteen hundred and seventy-one, as amended by act number thirty of the session laws of eighteen hundred and seventy-three, approved March fourteen, eighteen hundred and seventy-three, the same being compiler's section four thousand two hundred and seven of Howell's Annotated Statutes, relative to "Insurance Bureau."

SECTION 1. *The People of the State of Michigan enact*, That section one thousand six hundred and seventy-four of the compiled laws of eighteen hundred and seventy-one, as amended by act number thirty of the session laws of eighteen hundred and seventy-three, approved March fourteen, eighteen hundred and seventy-three, the same being compiler's section four thousand two hundred and seven of Howell's Annotated Statutes relative to the Insurance Bureau, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 2. The chief officer of said department shall be denominated the Commissioner of Insurance. He shall be a citizen of this State, and shall have his office at the seat of government, and personally superintend the duties of his office, and shall not be directly or indirectly connected with the management or affairs of any insurance company. He shall be appointed by the Governor, by and with the consent of the Senate, and shall hold his office for the term of two years from and after the first day of July in the year of his appointment and until his successor is appointed and qualified; he shall receive an annual salary of two thousand dollars, to be paid quarterly, on the warrant of the Auditor General. He may appoint a deputy, with the approbation of the Governor, and revoke such appointment at pleasure. Such deputy shall take and subscribe the oath prescribed by the constitution, and whenever the Commissioner of Insurance shall, by reason of sickness, absence, or other cause, be disabled from executing the duties of his office, his deputy, duly appointed, shall execute the duties thereof until such disability be removed, or until a Commissioner shall be appointed; and such deputy shall receive an annual salary of fifteen hundred dollars for the year eighteen hundred and eighty-seven and each year thereafter, payable monthly, on the warrant of the Auditor General. The Commissioner of Insurance.
Appointment, term of office and salary.
Deputy.
Powers, duties, salary, etc.

Chief clerk, salary of.	Commissioner may employ a chief clerk to discharge such duties as he may assign him, whose compensation shall not exceed twelve hundred dollars per annum, and such other additional or extra clerks as in his discretion the work of the office may require whose compensation shall not exceed one thousand dollars per annum; the salary of such deputy and clerks to be paid monthly, on the warrant of the Auditor General. Whenever a vacancy shall occur in said office of Commissioner by reason of death, removal, or otherwise, the Governor shall fill such vacancy by appointment, by and with the advice and consent of the Senate, if in session. Within fifteen days from the time of notice of his appointment the Commissioner shall take and subscribe the oath of office prescribed by the constitution and file the same in the office of the Secretary of State; and the said Commissioner of Insurance shall give to the people of the State of Michigan a bond in the penal sum of ten thousand dollars, with sureties to be approved by the Auditor General, conditioned for the faithful discharge of the duties of his office.
Other clerks, salary of.	
Vacancy.	
Oath of office.	
Bond.	

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 299.]

AN ACT to provide for the incorporation of merchants' and traders' associations.

SECTION 1. *The People of the State of Michigan enact, That associations of merchants, grocers and traders may be formed and incorporated for the purpose of mutual protection against sellers of impure goods, for the social improvement of their members and for all legitimate improvements in the business of wholesale and retail trades.*

SEC. 2. Any ten or more residents of this State, who are merchants, traders or dealers in dry goods, groceries, meats or produce, may form themselves into a corporation and subscribe articles to that effect similar to like associations heretofore provided for by law. Such articles shall be made in duplicate, one copy to be filed with the Secretary of State, another to be filed with the county clerk of the county where said incorporators reside, and shall state:

First, The names of the persons so associating and their residences;

Second, The name of the corporation, the place of its principal business office, the period of its existence, not exceeding thirty years;

Third, The number of directors and regular officers and the time of holding annual meetings;

Fourth, The purpose for which it is incorporated;

Fifth, The terms and conditions of membership;

SEC. 3. Corporations organized under the provisions of this act shall have all the rights, powers and privileges granted by the general provisions of law relating to similar corporations, and whenever said articles of association shall be filed as above provided the said company, under the name and style which they may designate, shall be a body politic and corporate, and by such name may sue and be sued, plead and be impleaded in any court of competent jurisdiction in this State, and may have and use a common seal and alter the same at pleasure.

Rights, etc., of corporations.

SEC. 4. The affairs of such associations shall be managed by a board of not less than five [5] directors, to be chosen by the members each year, to serve one year, or until their successors are appointed, and a majority of the directors shall constitute a quorum to transact business. The stockholders may adopt by-laws for the government of said society, and fix annual compensation of officers and managers, and dues of members, and the by-laws may be amended from time to time by a three-fourths vote of the stockholders.

Affairs to be managed by board of directors, etc.

By-laws, etc.

SEC. 5. The dues and funds collected may be used in expenses of said association, but no real estate shall be held or purchased except such as may be necessary for the transaction of the business set forth in the articles of incorporation and for the purposes of the organization. Such corporation shall report annually to the Secretary of State of this State the true condition of its affairs, the names of its officers, the value of its property, and how invested, and such other facts as may from time to time be required by the Secretary of State.

Limit of real estate to be held.

Annual report.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 300.]

AN ACT to amend section seventy-five of act number one hundred and fifty-three of the public acts of eighteen hundred and eighty-five, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved June nine, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact*, That section seventy-five of act number one hundred and fifty-three of the public acts of eighteen hundred and eighty-five, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved June nine, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 75. All lands purchased in the name of the State at any tax sale, and on which redemption has expired, shall be subject to sale at any time thereafter (except as herein provided) by the Auditor General, for the purchase price and interest at the rate of one per cent for each month or part of a month from the first

Lands purchased by State may be sold by Auditor General, etc.

day of the month in which such lands were bid off to the State to the date of the application therefor. Deeds shall be executed by the Auditor General or his deputy to the purchaser, on payment to the State Treasurer, on the certificate of the Auditor General, of the purchase price and interest as above provided. All lands bid in to the State remaining unredeemed, and on which redemption has not expired, shall be subject to sale at any time (except as herein provided) by the Auditor General, and upon payment therefor, on his certificate to the State Treasurer, of the amount for which such lands were bid off to the State, with interest at the rate of one per cent for each month, or part of a month, to be computed from the first day of October of the year in which such lands were bid off to the State to the time of application for the purchase thereof, and the Auditor General shall issue to the purchaser a certificate of purchase. If any bids so purchased before redemption has expired shall be redeemed, the purchaser shall be entitled to the amount paid therefor, together with the interest paid by the person redeeming, as contemplated and provided in section sixty-nine of this act; if otherwise discharged, then to the amount paid by him with interest at seven per cent per annum from the date of purchase to the date of refunding; but if not redeemed or otherwise discharged, the Auditor General or his deputy, shall, on surrender of such certificate of purchase, execute to the purchaser or his assigns a deed for the lands therein described. No sale of State tax lands or of State bids shall be made by the Auditor General after he has sent the list of State tax lands to the county treasurer until he receives returns of the sales made by such officer. Every such sale shall be subject to all taxes assessed and levied on such lands subsequent to the taxes for which the land was bid off in the name of the State, and the deed shall so state; such deed shall have the same force and effect as a deed made for lands sold at the annual sale as hereinbefore provided.

This act is ordered to take immediate effect.

Approved June 28, 1887.

Deeds to be executed by whom and when.

Lands on which redemption not expired subject to sale, etc.

Redeeming, etc.

No sale to be made after list is sent, etc.

Sale to be subject to subsequent taxes.

[No. 301.]

AN ACT to amend section three of act number one hundred and fifty-three of the session laws of eighteen hundred and eighty-five, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved June nine, eighteen hundred and eighty-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That section three of act number one hundred and fifty-three of the session laws of eighteen hundred and eighty-five, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon, approved June ninth, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:*

SEC. 3. The following property shall be exempt from taxation: Property exempt from taxation

First, All public property belonging to the United States, to this State, or to any county, city, village, township, or district within this State, save lands purchased at tax sales and still held by the State;

Second, The personal property of all posts of the Grand Army of the Republic, library, benevolent, charitable and scientific institutions, incorporated under the laws of this State, and such real estate as shall be occupied by them for the purposes for which they were incorporated;

Third, All houses of public worship, with the land on which they stand, the furniture therein, and all rights in the pews; and also any parsonage owned by any religious society of this State and occupied as such;

Fourth, All lands used exclusively as burial grounds, and the rights of burial therein, and the tombs and monuments therein, while in use for that purpose: *Provided*, That the stock of any corporation owning such ground shall not be exempt: *Provided, further*, That tombs or vaults built within any burying grounds and kept for rent, in whole or in part, shall be assessed as personal property;

Fifth, Library or school books of the value of one hundred and fifty dollars, the personal wearing apparel of every individual, and all family pictures;

Sixth, Furniture and utensils in use in any dwelling-house of the value of two hundred dollars, musical instruments not exceeding in value one hundred and fifty dollars, and other personal property owned and used by any householder in connection with his house or business of the value of two hundred dollars;

Seventh, The personal and real property of persons who, in the opinion of the supervisor, are, by reason of poverty, unable to contribute towards public charges.

Approved June 28, 1887.

[No. 302.]

AN ACT to amend section sixty-seven of act number one hundred and fifty-three of the public acts of one thousand eight hundred and eighty-five, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved June nine, one thousand eight hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact*, That section sixty-seven of act number one hundred and fifty-three of the public acts of one thousand eight hundred and eighty-five, entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved June nine, one thousand eight hundred and eighty-five, be and the same is hereby amended so as to read as follows: Section amended.

Loss of certificate, affidavit of.

Auditor General to issue deed in such case.

Liability of State limited.

Penalty for false affidavit.

SEC. 67. In the case of the loss of such certificate of sale the purchaser, or his legal representative or assignee, may file his affidavit of such loss, and that he was, at the time of such loss the *bona fide* and legal holder thereof, and the Auditor General, or his deputy, shall thereupon execute, as aforesaid, a deed for the lands described in such certificate, if the same shall not have been redeemed, in the same manner as though it had been presented and surrendered; and if the same shall have been redeemed, on the presentation of such affidavit, the money shall be paid to such person in the same manner as though the certificate of sale had been surrendered; and unless the original certificate shall be presented to the Auditor General within one year from its date the State shall be relieved from further liability therefor. Any person who shall make an affidavit as above required, or concerning any other matter which may be filed in the office of the Auditor General, shall be liable to the penalties of perjury for any false statement made in such affidavit with intent to defraud, upon conviction thereof, before a court having jurisdiction of the offense, and shall also be liable in treble damages to any person who may suffer loss or injury by reason of such false affidavit.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 303.]

AN ACT to protect primary elections and conventions of political parties and to punish offenses committed thereat.

Certain actions a misdemeanor.

SECTION 1. *The People of the State of Michigan enact*, If at any political primary election held by any political party, organization or association in this State, any person shall falsely personate and vote under the name of any other person, or shall intentionally vote without the right to do so at such primary, or shall fraudulently and wrongfully conceal or destroy ballots cast, or in any manner intentionally and wrongfully deposit ballots in the ballot-box, or take them therefrom, or shall commit any other fraud or wrong, tending to defeat or affect the result of the election, he shall be deemed guilty of a misdemeanor.

Oath of presiding officer, etc.

SEC. 2. The presiding officer and inspectors at any such election shall, before entering upon their duties, severally sign and swear to an oath in the form now required of inspectors at general elections, said oath to be taken before the clerk of the township, village or city in which such election is held, or an alderman of the ward in which said election is held, or any notary public.

Challenge of voters.

The vote or ballot of any person offered at such election shall, upon challenge by any lawful voter thereat, be rejected, unless he be sworn as to his qualifications as such voter; and the presiding officer or any inspector of such primary is hereby empowered, and it shall be his duty, to administer an oath to such person and to

any other persons offering to vote, as he may deem advisable, to the effect that he will true answers make to such questions as shall be put to him touching his qualifications as a voter and his right to vote. He may then be examined as to such qualifications and right to vote. If he shall swear to the necessary qualifications of a voter, as prescribed by the regulations of the association or political organization holding the primary or convention, his vote shall be received. If the person so sworn and examined shall intentionally swear falsely as to his qualifications as a voter he shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law for the crime of perjury.

Presiding officer to administer oath.

When vote to be received.

Penalty for false swearing.

SEC. 3. If any person acting as inspector, teller or canvasser at any such primary election shall knowingly receive the vote of any individual who shall have been challenged, or who is known to him not to be entitled by the regulations of the association holding the primary election to vote at such primary, unless the same shall be first sworn in as aforesaid, or shall in any manner fraudulently and wrongfully deposit or put any ballots into, or take any from the ballot-box of said primary election, or shall fraudulently and wrongfully mix any ballots with those cast at said primary election, or shall knowingly make any false count, canvass, statement, certificate or return of the ballots cast or vote taken at any such primary election he shall be deemed guilty of a misdemeanor.

Certain acts of inspectors, etc., a misdemeanor.

SEC. 4. If any person elected a delegate at any such primary or convention shall accept or receive any money or valuable thing as a consideration for his vote as such delegate he shall be [deemed] guilty of a misdemeanor.

Certain acts of delegate a misdemeanor.

SEC. 5. The words "primary election," as used in this act, shall be construed so as to embrace all elections held by any political party, convention, organization or association, or delegates therefrom, for the purpose of choosing candidates for office or the election of delegates to other conventions, or for the purpose of electing officers of any political party, organization, convention or association.

"Primary election," how construed.

SEC. 6. No person shall be entitled to vote at any primary election unless of the age of twenty-one years and a duly qualified elector of the State.

Who may vote.

SEC. 7. The punishment of any of the offenses in this act declared to be misdemeanors shall be a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

Punishment for offenses declared misdemeanors in this act.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 304.]

AN ACT to provide a general law under which corporations may be formed to carry on printing, publishing, and book-making, and any or either of them.

Three or more
may form cor-
poration.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than three, who shall associate to form a corporation hereunder to carry on, in any of its forms or branches, the business of printing, publishing, and book-making, or the business of carrying on any or either of them, may, by complying with the provisions hereof, with the successors and assigns of such associates, obtain incorporation, and become a body politic and corporate hereunder by any name assumed by them in their articles of association.

Articles of asso-
ciation.

SEC. 2. The persons proposing the formation of such corporation shall associate by signing organic articles and acknowledging the same before some officer of this State authorized to take the acknowledgment of deeds, who shall append his certificate of such acknowledgment.

What to state.

SEC. 3. Said articles shall state:

First, The name by which the corporation shall be known in law;

Second, The purpose of the corporation;

Third, The place for its business establishment, and the place for its principal office;

Fourth, The amount of the capital stock, which shall not be less than five thousand dollars nor more than five hundred thousand dollars;

Fifth, The number of shares into which the capital stock is divided, and the par value of each share;

Sixth, The term of years the corporation is to exist, which shall not exceed thirty years;

Seventh, The names of the present stockholders, their respective residences, and the number of shares subscribed for by each, and such other matter not inconsistent with the constitution and laws of this State or of the United States as the associates may think proper to include. It shall be lawful for them to declare in the articles that the projected corporation is intended to promote the good of mankind, and not in any manner to bring pecuniary profit to its stockholders; and in such case no dividend shall ever be made among stockholders, nor shall anything ever be paid to them in that character until the corporation expires or is dissolved, and then only his or her just share of the assets which shall be left after satisfaction of all valid claims against the corporation not based on ownership of stock.

When no divi-
dends to be
made to stock-
holders.

Increase or de-
crease of stock.

SEC. 4. Subject to the foregoing provisions in regard to the minimum and maximum amount of capital stock the amount fixed by the articles of any corporation may be increased or diminished at any annual meeting of the stockholders, or at any meeting duly called for that purpose, but only by a vote of two-thirds of the capital stock of the corporation not held by the corporation; and at such meeting the stockholders shall have power to make all necessary provisions for calling in and canceling the old certificates, and for the issue of new certificates; but nothing done under this provision shall change the liability of any corporation on any demand then held against it, or any

liability of existing stockholders on account of such demand. In case of such increase or diminution of capital stock, the president and a majority of the directors shall make a certificate thereof to the Secretary of State and the county clerk of the county where the original articles of association are recorded, which shall be signed by them and recorded and returned as in the case of the original articles, and such increase or diminution shall take effect on the receipt of such articles at the office of the Secretary of State. It is further provided that any corporation formed under the provisions of this act may at its annual meeting, or at any other meeting duly called therefor, by resolution passed by two-thirds of the capital stock represented at such meeting, amend its articles in any respect not inconsistent with the provisions of this act; but such amendment shall not become operative until a copy of the resolution, signed by the president and secretary, shall have been recorded as in case of the original articles; and when said record shall have been made, the articles shall stand amended as provided by the resolution, and shall thereafter operate as though originally framed in the form given to them by the amendment. The record, or a copy of the record of such resolution, certified as provided in section ten, shall be *prima facie* evidence in all proceedings of the things therein stated.

Certificate to be made to Secretary of State.

Amending articles.

SEC. 5. When any number of persons shall have associated according to the provisions of this act any two of them may call the first meeting of the stockholders at such time and place as they may appoint by giving notice thereof by publishing the same in some newspaper published in the county in which the principal office of the corporation is located by the articles, and if no newspaper is published therein, then by publishing such notice in some newspaper printed in an adjoining county at least two weeks before the time appointed for such meeting. But such notice may be waived by a writing signed by all who shall have subscribed for capital stock, specifying the time and place for said first meeting, which writing shall be kept and also entered at full length on the records of the corporation. If the first meeting is held under a notice published in a newspaper there shall be proof by affidavit showing that the publication was regular, and such affidavit shall be kept and also entered at length in the records of the corporation. If the first meeting is held in accordance with either of these regulations it shall be deemed to be regular.

First meeting, how called, etc.

When meeting deemed regular.

SEC. 6. The stock, property, business, and affairs of any such corporation shall be managed by not less than three nor more than nine directors, who shall be chosen annually by the stockholders at such time and place as shall be provided by the by-laws of the corporation. Said directors must be stockholders and of full age. They shall hold their offices for one year, and until others are chosen in their stead and appear to enter on their duties. If directors shall not be elected at the annual meeting of any year the corporation shall not be thereby dissolved or impaired, but an election may be held at any time thereafter to be fixed, and notice thereof given, by the directors, in such manner

Business, etc., to be managed by directors, etc.

Qualification and term of office.

- Proviso.** as the by-laws shall provide: *Provided*, That in case the directors fail or refuse so to do for three months after such annual meeting, or for three months after the time when such annual meeting should have been held, any three stockholders may call the meeting for such election by giving notice as provided in section five hereof.
- Officers.** SEC. 7. The directors shall choose one of themselves to be president and another of themselves to be vice-president. They shall also choose a secretary and treasurer, who shall reside within this State, and shall keep the books of the corporation at its principal office within this State. The directors shall also choose such other officers as the by-laws shall ordain, and all such officers shall hold their offices until others are chosen in their place and appear to enter on their duties. The same person may be secretary and treasurer in case the stockholders so order.
- Vacancies.** SEC. 8. The directors may fill, for the current year, any vacancy in their board caused by death, resignation, or otherwise.
- When may transact business.** SEC. 9. Every corporation formed hereunder may transact business beyond the [this] State wherever the local authorities will permit.
- When may begin business.** SEC. 10. No corporation originally formed under this act shall begin business until at least twenty-five per cent of the whole of its capital stock shall have been in good faith subscribed, nor until ten per cent of the whole of its capital stock shall have been actually paid in; but nothing in this section hereinbefore contained shall apply to corporations formed to succeed others in either of the modes hereinafter authorized, but all such latter corporations, complying with the other requirements of this act, applicable thereto, shall be entitled to commence business on complying with the provisions of this section hereinafter contained. Before any corporation formed under this act shall begin business the articles of association, with the certificate of acknowledgment appended, shall be recorded in the office of the Secretary of State of this State and in the office of the county clerk of the county containing the principal office of the corporation as expressed in the articles. The Secretary of State and the county clerk aforesaid shall each certify on the articles recorded the date on which they were received for record, and state the book and page of record. The record, or a transcript thereof, certified by the Secretary of State under the seal of his office, or the original recorded articles, shall be *prima facie* evidence in all proceedings where the same shall come in question of the due formation, existence, and capacity of the corporation.
- Record, etc., of articles, evidence.**
- Quorum of directors.** SEC. 11. A majority of the directors, convened according to the by-laws, shall make a quorum. Whenever, at any directors' meeting, lawfully due, there shall not be a sufficient number of directors present for the purpose of the business to be done, the majority of the directors then present may adjourn from time to time until a sufficient number of directors shall appear for such purpose. And whenever a directors' meeting is lawfully held, and

a sufficient number of directors appear thereat for the purpose of the business to be done, a majority of the directors then present may adjourn said meeting from time to time. In case it shall be deemed expedient the by-laws may provide that directors may be allowed to vote or act by proxy, when necessary, on occasions of urgency, but any such by-law shall precisely define the occasion for such vote or action, and the manner of proceeding. Such stockholders as attend at any meeting of the stockholders duly called, and take part in the proceedings, shall be a quorum for the disposition of all corporate business, except as hereinafter otherwise provided. At stockholders' meetings each share shall be entitled to one vote, and voters may vote in person or by proxy duly filed. Trustees of shares may also vote: *Provided, however,* That minors and persons under guardianship may vote by guardian and not otherwise, and shares belonging to estates may be voted on by the administrator or executor of the estate. Whenever at a stockholders' meeting, lawfully due, there shall not be a sufficient amount of the stock represented for the business to be done the stockholders present holding a majority of the stock actually there represented may adjourn said meeting from time to time until a sufficient amount of stock shall appear for said purpose; and whenever a stockholders' meeting is lawfully held, and a sufficient amount of stock is represented thereat for the business to be done, a majority of the stock actually represented thereat may adjourn said meeting from time to time.

Adjournment
of directors'
meeting.Proxy of
directors.Quorum of
stockholders.

Voting.

Proviso.

Adjournment of
stockholders'
meeting.

SEC. 12. The directors may call in the capital stock subscribed, not already paid in, in such installments and at such times and places as they may think proper by giving such notice as is ordained by the by-laws. And if any stockholder shall neglect or refuse payment of any such installment, or any part thereof, for thirty days after the same shall be payable pursuant to the notice given him as aforesaid, the corporation may recover the amount of him in any proper action therefor; or if the directors so elect they may sell so much of said delinquent's stock as is necessary to pay the sum due under the call and the actual and proper charges, at public auction, at the office of the secretary, on at least thirty days' notice of such sale published in some newspaper of the corporation, if there be one, and if not, then in some other newspaper published in the county containing the principal office of the corporation, and if there be no such newspaper, then in some newspaper published in an adjoining county. In case of a sale, the proceeds shall be applied, first, to the payment of the expenses thereof, and, second, to the payment of the sum due under the call; the residue, if any, shall be paid to the delinquent stockholder in ten days after demand made at the office of the treasurer. If the proceeds shall not be sufficient to satisfy said expenses and the amount due on said call, the corporation may recover the deficiency in an action of assumpsit, or otherwise, against such stockholder. The purchaser at such sale shall have the rights and be subject to the liabilities and obligations of a stockholder to the extent of the shares purchased.

Capital stock,
how called in.Proceeds from
sale of stock,
how applied.Rights, etc., of
purchasers.

Annual report,
contents of, etc.

SEC. 13. Every such corporation shall in the month of January in each year report to the Secretary of State the amount of the capital stock subscribed, the amount actually paid in, the value of the real estate, and the value of the personal estate belonging to the corporation, the amount of the debts and the amount of the credits, and such other matters in regard to the operations and financial condition of the corporation as the Secretary of State shall specify and require. Such report shall be made under the hands of the directors, or a majority of them, and be verified by the oath of the directors signing the report. If any director shall willfully neglect and refuse to make and verify said report he shall be liable for all debts and obligations of the corporation, and be subject to a penalty of twenty-five dollars, and in case such neglect or refusal shall be continued, he shall be further subject to a penalty of five dollars for each secular day thereof after the succeeding first day of March. Said penalties may be recovered in a suit in debt by the Attorney General in the name of the people of the State. In case a corporation formed under this act shall be dissolved or expire by effluxion of time, or in case its property shall be sold either at private or mortgage sale, or in case its attitude toward the State, as represented by its article, shall undergo a material change through any means other than by increase or diminution of its capital stock or amendment of its articles as provided in section four, it shall be the duty of the board of directors in office at the time of such event, and within thirty days next after its occurrence, to give notice thereof to the Secretary of State and said county clerk, and said notice shall be signed by a majority of the board, and be recorded in the same manner provided for recording the articles. Any willful neglect or omission to give such notice shall subject the offending directors, respectively, to such fine, not less than one hundred dollars and not more than one thousand dollars, as the court shall award. Such fine may be sued for by the Attorney General in the name of the people of this State in any court having jurisdiction.

Liability of
director refus-
ing to verify re-
port.

In case of disso-
lution, etc.,
notice to be
given Secretary
of State, etc.

Penalty for fail-
ure to give
notice.

Corporate
powers, seal,
etc.

Election of
officers, etc.

By-laws as
evidence.

SEC. 14. Corporations formed under this act may sue and be sued, carry on and be subject to legal proceedings in the corporate name, have a common seal and alter the same at pleasure, but correct impressions of the seal shall be certified by the president and secretary to the Secretary of State and said county clerk, and be kept in their respective offices for the information of the public. Such corporations shall also have power to elect, in such modes as they shall prescribe, all necessary officers, define their duties and fix their compensation, ordain and establish reasonable by-laws for the orderly government, regulation and management of their affairs, and to alter and repeal the same, and employ all such writers, authors, artists, specialists, agents, mechanics, and laborers as they shall think proper, and, except as herein provided, every such corporation shall possess all the powers usually possessed by corporations. A copy of the by-laws in operation at any time, or of any particular by-law or by-laws,

whether still in operation or otherwise, certified under the seal of the corporation and verified by the oath of one or more of the directors shall be receivable as *prima facie* evidence in all cases or proceedings in which the original would be receivable. A copy of the by-laws in force shall always be kept in the principal office of the corporation, and shall be open to public inspection.

SEC. 15. Every such corporation may acquire and hold in its corporate name such real estate and such other property as shall be necessary for it to effectuate in a reasonable manner the object of its being, and also such other real estate as the collection of its dues may require it to take, and the same to manage and dispose of. It may also take and hold by gift, devise or bequest any real or personal property, the annual revenue of the whole of which shall not exceed twenty-five thousand dollars. All transfers and mortgages of the real estate by the corporation shall be executed in the name of the corporation by the president or vice-president and secretary, under the corporate seal, and be acknowledged by them as the act and deed of the corporation before some officer authorized by law to take the acknowledgment of deeds. In executing bonds, notes, and bills of exchange, and other negotiable instruments, no particular form shall be necessary, but it shall be sufficient if on the whole face of the paper it is fairly evident that the instrument emanated from the corporation as its own act, contract, or obligation.

May hold property.

Mortgages, etc., how executed.

SEC. 16. The books and records shall at all reasonable times be open and accessible to stockholders at the office of the secretary and treasurer at the place where the principal office is required to be kept. Whenever stockholders holding one-third of the subscribed stock shall, in writing, demand the same of the secretary and treasurer, said officers shall, within thirty days next after such demand, file in the principal office of the corporation a true statement of the property owned by the corporation, and its dues, credits, debts, obligations, and liabilities, and a plain but brief explanation of the nature of such dues, credits, debts, obligations, and liabilities, verified by said officers as being true according to their best information and belief, which statement shall be kept in said office and be subject at all reasonable times to the inspection of any stockholder or stockholders.

Books, etc., to be open to stockholders.

Statement of assets and liabilities may be called for by stockholders.

SEC. 17. The stock of every such corporation shall be deemed personal property, and be transferred only on its books, in such form and mode as the by-laws shall prescribe. The corporation shall have a lien on the stock of all its members for all liabilities they may be under to it.

Stock deemed personal property.

SEC. 18. After recording the papers to be recorded as hereinbefore provided such papers shall be returned by said Secretary of State and county clerk to said corporation with the proper indorsement by each. Said Secretary of State and county clerk shall, for their services in recording all papers required to be recorded by this act, and making all necessary transcripts and certificates thereof, be severally paid at the rate of twenty cents for each folio.

Papers after record to be returned to corporation.

Fees for recording, etc.

Service of process on corporation.

SEC. 19. For the purpose of instituting any suit or legal proceeding against the corporation, the process, notice, declaration, subpoena, or other paper therefor, may be served by delivering the same to any person in the principal office apparently in charge thereof, or to the president, secretary, or treasurer in the county containing such office: *Provided*, That in case no one shall be found apparently in charge of said principal office, and neither of said officers shall be found in said county, then such service may be made by posting a true copy of said process, notice, declaration, subpoena, or other paper in some conspicuous place at said principal office.

Proviso.

Liability of stockholders.

SEC. 20. If the capital stock shall be withdrawn and surrendered to the stockholders before the payment of all debts or obligations the stockholders shall be jointly and severally liable for such debts or obligations in an action founded on this statute: *Provided*, That no one shall be liable, under this provision, to an amount exceeding the sum of the capital stock so returned to him.

Proviso.

Liability of directors for paying dividends in certain cases.

SEC. 21. If the directors shall pay a dividend when the corporation is insolvent, or a dividend the payment of which leaves the corporation insolvent, knowing at the time of such payment that the corporation is insolvent, or that such payment will leave it so, the directors assenting to such payment shall be jointly and severally liable, in an action founded on this statute, for all debts and obligations which the corporation shall then be liable for, whether due or not. The fact that the corporation was insolvent, or was left insolvent on such payment, shall be *prima facie* evidence that the assenting directors knew of such condition.

For violating provisions of this act.

SEC. 22. If any corporation formed under this act shall violate any of the provisions thereof the directors ordering or assenting to such violation shall, in case such misconduct was willful, be jointly and severally liable in action founded on this statute for all debts contracted after such violation: *Provided*, That the liability of a director under this provision shall not exceed three times the amount which shall then have been paid in on the stock standing in his name.

Proviso.

Selling stock of under lien to corporation.

SEC. 23. In case the stock of any stockholder shall be under a lien in favor of the corporation, as hereinbefore provided, and the debt or demand shall have become due, the corporation may notify the stockholder that unless he discharges such debt or demand within three months from the time of giving such notice it will sell and transfer said stock; and in case said stockholder shall not pay the debt and demand, with the necessary expenses, before the day fixed by such notice for such sale, the corporation may sell said stock. The mode of giving the notice aforesaid shall be fixed by the by-laws.

Idem.

SEC. 24. After the expiration of said three months, and within six months next succeeding such expiration, the corporation may advertise said stock for sale by publishing a notice of such sale and the time and place therefor for three successive weeks in some newspaper published by others in the county containing the

principal office, if there be one, and if not, then in some newspaper published in an adjoining county. At the time and place of sale the corporation shall state the amount of the debt or demand owing to it from the stockholder, and the reasonable costs and charges on account of the proceedings, and shall then sell for cash at public auction so much of the stock of such stockholder as shall be necessary to produce sufficient money to satisfy said debt or demand and the reasonable costs and charges of the proceedings. If the whole of the stock of such delinquent stockholder shall be insufficient for said purpose the corporation may collect the residue of him by any proper action therefor.

Proceedings when stock insufficient to satisfy lien and costs.

Rights, etc., of purchaser at sale.

SEC. 25. When the terms and conditions shall have been complied with by the purchaser the corporation shall issue to him new certificates of stock, and shall cancel on its books the old certificates which represent the stock sold; such new certificates shall entitle the holder to the rights, standing, interest and privileges of a stockholder in the corporation.

SEC. 26. If any stockholder shall assign or pledge his stock as security to some one other than the corporation, and thereafter become indebted to the latter, it may sell the equity of redemption of the stock in the same manner as provided for the sale of stock when the corporation has the first lien. The assignee or pledgee shall, in any such case, on demand of the corporation, made in writing not less than ten days before such sale, deliver, under oath, to the treasurer a true statement of the amount to secure which the said stock was assigned or pledged; and if such statement shall not be made before the time appointed for such sale his rights and lien shall be postponed to the right and lien of the corporation: *Provided, however,* That in case the corporation shall not have notice of such assignment or pledge before the stockholder's indebtedness to it, then the lien on account of such indebtedness shall take precedence and not be subject to such assignment or pledge.

In case stock of indebted stockholder is assigned, etc.

Proviso, as to when lien to take precedence.

SEC. 27. The provisions of the last four sections shall not affect any lien or right acquired by others by means of attachment or execution on the stock in the cases and in the manner provided by law.

Lien by attachment, etc., not affected by previous sections.

SEC. 28. The stockholders of all corporations formed under this act shall be individually liable for all labor performed for such corporation, which said liability may be enforced against any stockholder by action founded on this statute for the sum remaining to be paid for such labor at any time after an execution against said corporation shall be returned unsatisfied in whole or in part, or at any time after an adjudication in bankruptcy against the corporation. And if such action shall be brought after execution the amount appearing thereby to be in arrears shall be *prima facie* the true amount recoverable of the stockholder, besides costs. In case any stockholder, whether under jurisdiction or otherwise, shall pay any such demand, he may require all other responsible stockholders to repay him their several proportions of the whole thereof, to be ascertained by

Individual liability of stockholders.

assessing on each share of stock held a sufficient amount, and for the purpose of enforcing such contribution he may sue one or all or any intermediate number therefor; and if more than one shall be sued the amount recoverable from each shall be declared in the judgment and the liability of each thereunder, and execution shall be limited accordingly. But it is expressly declared that no one holding stock as executor, administrator, guardian, or trustees, or in pledge or otherwise as collateral security, shall, by reason of such holding be personally subject to any liability as a stockholder. In order to preserve and enforce liability on account of stock ownership the pledger or assignor (as the case may be) who shall have pledged or assigned for security shall be considered as holder and owner and be liable accordingly; and the estate or funds in the hands of any such executor, administrator, guardian, or trustee as aforesaid shall be liable in the place and stead of the testator, intestate, ward, or beneficiary, and to the same extent that they would be if living and competent to act and occupying the position of holders of such stock in his or her name.

Executors, etc.,
holding stock
not liable.

Pledger, etc.,
liable.

Corporate prop-
erty liable to as-
sessment.

Proviso.

Presses, etc.,
when liable to
seizure.

Renewal of cor-
poration.

Proceedings for
renewal.

SEC. 29. Corporations formed under this act shall be liable to be assessed for all real and personal estate held by them in this State to the same extent and at the same rates as natural persons are liable to be assessed for property of the like kind, and they shall pay a tax thereon for township, village, city, county, school and State purposes at the same rates as natural persons shall be required to pay on similar property; such taxes shall be imposed, collected, and paid in the same manner as prescribed in the case of natural persons: *Provided*, That the capital stock of the corporation shall not be taxed as such.

SEC. 30. Presses, type, ink, paper, binding, books, and publications, and all machinery, tools, implements, articles, and materials for carrying on the business of the corporation shall be free from seizure on any process or proceeding, unless for some debt or demand against the corporation.

SEC. 31. Any corporation formed under this act and about to expire by effluxion of time, may, at its annual meeting next preceding such expiration, or at a special meeting of the stockholders called for that purpose and held within one year next preceding such expiration, by a vote of two-thirds of its capital stock not held by the corporation, order the formation of a corporation successor with such articles of association in accordance with this act as the agreeing stockholders shall unite in, and to continue for such term, not exceeding thirty years, as shall be fixed in such articles. The determination to institute a corporation hereunder to succeed the corporation which is about to expire shall be expressed by resolution which shall contain articles of association for such intended succeeding corporation, but the new corporation shall retain the same name as the old one. On the adoption of such resolution the same shall be recorded at length in the records of the old corporation, and the president and secretary shall make a copy thereof under the corporate seal, and

verify the truth and correctness thereof by their oaths, and cause the same to be recorded, certified and returned as required in the case of articles for a first corporation; and the record, or a transcript thereof, certified by the Secretary of State under the seal of his office shall be *prima facie* evidence in all proceedings of the things therein contained. When such proceedings shall have been had for a succeeding corporation during the term of its predecessor, then, upon the expiration of the latter, the association so intended to take its place shall be a corporation hereunder according to the plan manifested by its articles, and with all the rights, powers and privileges authorized, and subject to all the restrictions imposed by this act. Such corporation shall be vested with all the property and property interests, including rights of action of the old corporation, and be subject to all its debts, liabilities and obligations; and such corporation shall, at the expiration of the term of its predecessor, be entitled to commence and carry on business as a corporation hereunder. The officers and directors of the old corporation shall be the officers and directors of the new one until regularly changed, or the stockholders agreeing to form such succeeding corporation may in and by the resolution containing the new article appoint new directors and officers to hold until so changed. All stockholders of the old corporation voting in favor of such resolution shall be stockholders of the new corporation and for the same amount: *Provided*, That if any stockholder of the old corporation shall refuse to become a stockholder of the new corporation under the provisions of this section, and shall demand the value of his stock, in such case such stockholder shall be paid the value of his stock in cash by the new corporation. In case such stockholder and the new corporation shall not be able to agree as to the value of such stock either party may file a petition in chancery in the circuit court for the county where the principal office of the corporation is located, reciting the facts and praying that the fair value of such stock be fixed and determined by such court. Upon the filing of such petition the court shall make an order for the appearance of the parties, and shall thereafter proceed according to the rules and practice of the court to determine the fair value of such stock and decree payment thereof according to the justice and equity of the matter. No pending suit or proceeding to which the old corporation may be a party at the time of the transition shall be in any manner impeded or affected by such change. The resolution which shall have been recorded in the office of the Secretary of State shall be recorded in the books of the new or succeeding corporation.

When new corporation to succeed.

Officers, etc., of new corporation.

Stockholders.

Proviso as to payment of retiring stockholders.

Pending suits, etc., not affected by re-incorporation.

When shares of stock deemed as abandoned or surrendered.

SEC. 32. Whenever a share or shares of stock shall not have been represented in stockholders' meetings for five successive years, and the directors are not able to ascertain, and do not know the residence or address of the owners of such stock, nor who such owners are, said stock may be presumed to have been abandoned or surrendered to the corporation and to be subject to re-issue, and such presumption may be made conclusive by the

How presumption made conclusive.	following proceedings: On the lapse of said five years the directors shall report to the first regular meeting of stockholders thereafter a description of said unrepresented stock, and the time during which it has remained unrepresented, and the fact that the directors are ignorant of its ownership and are not able to ascertain and do not know the address of its owner or owners.
Action of stockholders thereon.	Thereupon the stockholders present may, by the vote of the majority of their stock, require the directors to take the necessary measures to have the stock which has been so unrepresented declared abandoned and surrendered and for the re-issue of the same. Such requirement shall be expressed by a resolution which shall specify and identify the stock involved.
Directors to file petition in chancery.	The directors, on being so required, shall file a petition in the office of the register in chancery for the circuit court in chancery for the county in which the principal office of the corporation is situated, and attach thereto a copy of the report of the directors thereof hereinbefore mentioned and of the resolution last aforesaid of the stockholders, which petition shall set forth the facts, with a prayer for an order declaring such stock abandoned and surrendered to the corporation, which petition shall be verified by the oaths of the president and secretary. The court, on the application of the directors, shall make an order that the owners of said stock (which stock shall be described and identified therein so far as the same is practicable) appear within six months from the date of such order, and establish to the satisfaction of the court their residences and ownership, and in default thereof that the court will declare the stock abandoned and surrendered to the corporation. Said order shall be published once in each week for twelve weeks in succession, beginning within four weeks next after its date, in two newspapers of this State to be designated in such order. In case any one shall appear to show his residence and ownership, and the directors shall oppose the claim of ownership, the court shall inquire into the facts in a summary way and decide as the very right of the matter may appear. In case the claim so made is sustained the stock of such person shall not be adjudged abandoned and surrendered, and the petition shall be dismissed as to such person. In all cases when there shall be no appearance, or whenever the claim of ownership shall not be sustained, the court shall make such final order as prayed for in the petition. A copy of such order with the directors' report aforesaid, and the resolution of the stockholders and a copy of the petition, and of the first order and of the proof of its publication, shall be recorded in the books of the corporation. An entry shall then be made therewith in said books that the stock so declared abandoned and surrendered by said final order is resumed as abandoned to the corporation. The corporation shall then be re-possessed of such stock and may re-issue the same in such manner as the directors shall prescribe, and all persons making any claim on account of said stock so adjudged abandoned and surrendered to the corporation shall be forever foreclosed and barred: <i>Provided</i> , That if such former owner or owners shall within two years next after making of
Court to make an order.	
Publication of order.	
Proceedings by court.	
Copy of order, etc., to be recorded in books of corporation.	
Reissue of said stock.	
Proviso as to reinstatement of owner.	

such final decree make due proof of their ownership to the directors, and shall pay their just proportion of costs and charges of the proceedings to declare such abandonment, and all debts and liabilities in favor of the corporation which are justly chargeable against the stock in question, said owner or owners shall be re-instated in case no re-issue of such stock has been made; but if there has been such re-issue then the corporation shall pay such former owner or owners the net amount realized by it, on such re-issue, after deducting such debts or liabilities, if any, which are chargeable as aforesaid on account of said stock.

SEC. 33. Any association now acting as a corporation under any of the provisions contained in chapter one hundred and twenty-eight of Howell's Annotated Statutes of Michigan of the year one thousand eight hundred and eighty-two, whether such corporation be a corporation in law or not, or whether it shall have been duly formed, organized, and conducted, or otherwise, which shall be near the close of the term fixed by the associates for its existence, or where the certificate, made in view of section four thousand one hundred and ninety-seven in said chapter, and on which the association is acting, contains no express statement of such time, may, pursuant to this act and under and subject to its provisions, form and organize a corporation of the same name and for the same objects to be its successor and to take its place. In order to form and organize such corporation to succeed said association the proceedings shall be as follows: Within two years next preceding the close of the term so fixed as aforesaid for the duration of said acting association, or in case no such term is fixed in the certificate as aforesaid, then within two years prior to the expiration of thirty years from the date when such association began to act as a corporation under any of the provisions of said chapter, the trustees of said association, or a majority thereof, shall call a meeting of the stockholders thereof to decide on the formation of such corporation. Notice shall be given by said trustees of the time, place and object of such meeting by publication thereof in the newspaper, if there be one, or the newspapers, if there be more than one, published by such association, and in at least one other newspaper published in the city of Lansing, and two other newspapers published in the city of Detroit, for at least twelve successive weeks, once in each week, within the period of eight months next preceding the time of such meeting. Proof of such publication shall be made and filed with the secretary of such association on or before the time for such meeting. At the time and place fixed therefor the stockholders of the association who shall be in attendance shall decide by vote whether such new corporation shall be formed as a successor of such association, and a decision in favor thereof shall require a vote therefor of a majority of the stock represented by the stockholders present and voting. Stockholders entitled to vote at such meeting may vote in person or by proxy. In case the vote so given shall be in favor of the establishment of such corporation the same shall be duly recorded with the names of the stockholders voting

Certain associations may organize under this act.

Proceedings for that purpose.

Name, object, etc.	and the manner of their voting, on the books of the association, together with the proof of the publication of the notice given for the meeting, and the formation and organization of a new corporation to succeed such association shall be deemed authorized. Thereupon such of said stockholders so present as aforesaid as agree to unite in forming such new corporation, shall by a majority of the stock held by them, by resolution entered in the records of such old corporation, appoint certain of their number, and not less than three, to frame, sign, and acknowledge articles as hereinbefore provided in other cases; but the name, object, and amount of the capital stock of the projected corporation, shall, subject to the provisions of section four of this act, be the same as the name, object, and amount of capital stock of the old association, and it shall not be necessary to state in such articles the names of the stockholders, their residence, or the number of shares subscribed for by each: <i>Provided</i> , That the articles shall not proceed upon the plan of excluding dividends as contemplated in subdivision seven of section three of this act, unless all the stock represented at the meeting called to authorize the formation of such new corporation, and voting in favor thereof, shall assent to the same. The articles, with the certificate of acknowledgment, the notice of the meeting of the stockholders, a statement under the hands of the president and secretary, and a majority of the trustees of the meeting, and its results, verified by the oaths of the persons signing such statement, and also the proof made of publication of the notice of meeting, shall be recorded in the office of the Secretary of State and the office of the clerk of the county containing the principal office of the old association.
Proviso.	
Articles, etc., to be recorded, etc.	When such proceedings shall have been duly had, the stockholders in the old association who shall not refuse as hereinafter stated, their successors and assigns, shall be a body corporate and politic under this act. The Secretary of State and the county clerk shall certify and return said papers as is provided in section nine, and the record, or a transcript thereof certified by the Secretary of State under the seal of his office, shall be <i>prima facie</i> evidence in all proceedings of the matters contained in such papers and of the due formation and existence of such new corporation, and that it is the lawful successor of the former association mentioned in the proceedings. On the return of the papers by the Secretary of State and the county clerk, with the proper certificates of record thereon, the same shall be laid before the trustees of the old association at their next regular meeting, and thereupon said trustees, or a majority of them, shall, in the manner and upon the notice required for calling meetings of the stockholders in the association, call a meeting of the stockholders who shall have concurred in the formation of a new corporation to succeed such association: <i>Provided</i> , That in case said trustees shall fail or refuse to call said stockholders together as aforesaid, then any two of said stockholders may call a first meeting as provided in section five. At such meeting those present of such last mentioned stockholders shall elect the
When to be body corporate under this act.	
Duty of Secretary of State and county clerk.	
Proceedings upon return of papers.	
Proviso.	

first directors of such new corporation, and for that purpose each said stockholder shall have as many votes as he has shares of stock in the old association, and a majority of shares voted shall be sufficient to elect. Said directors shall proceed to fill the offices and otherwise prepare the corporation for business, but no corporate business shall be done until the expiration of the time limited for the existence of the association to be succeeded; or in case of any such association whose certificate hereinbefore referred to does not specify any such term, then not until the expiration of thirty years from the date when such association began to act as a corporation under any of the provisions of said chapter one hundred and twenty-eight. On the arrival of the time firstly or secondly specified, as the case may be, the whole property and property interests which shall then be held by such old association, or to which it shall be entitled, whether it be real, personal, or mixed, shall vest absolutely in such new corporation, and such new corporation shall be subject to all the dues, debts, contracts, obligations, trusts, duties, and liabilities of such old association, and all who were stockholders in such old association at the expiration thereof, and who shall not refuse as hereinafter stated, shall be stockholders in the new corporation, and be deemed to hold the same amount of stock, but subject to the provisions of this act: *Provided*, That if any stockholder of the old association shall refuse to become a stockholder of the new corporation under the provisions of this section and shall demand the value of his stock, in such case such dissenting stockholder shall be dealt with as is provided for similar cases in section thirty-one of this act. The period of five years hereinbefore designated for presuming abandonment and surrender of stock by unknown owners, may, in the case of corporations which are formed to succeed others as in this section provided, consist of the last three years of the association succeeded and the first two years of the corporation succeeding it.

When business may be done by new corporation.

When property to vest in new corporation, etc.

Provided.

When the period of 5 years mentioned in sec. 29 may have expired.

SEC. 34. The legislature may at any time for just cause rescind the powers of any corporation hereunder, and prescribe such methods as may be necessary or expedient for the settlement of its affairs and the proper disposition of its effects.

Legislature may rescind powers of corporation, etc.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 305.]

AN ACT to amend section three of act number seventy-eight of the session laws of eighteen hundred and eighty-three, entitled "An act to authorize the incorporation of manufacturers' mutual fire insurance companies," approved May tenth, eighteen hundred and eighty-three, and to add four new sections to said act to be designated as sections seventeen, eighteen, nineteen and twenty.

Section amended.	SECTION 1. <i>The People of the State of Michigan enact, That</i> section three of act number seventy-eight of the session laws of eighteen hundred and eighty-three, entitled "An act to authorize the incorporation of manufacturers' mutual fire insurance companies," approved May ten, eighteen hundred and eighty-three, be amended, and four new sections added to said act to be designated as sections seventeen, eighteen, nineteen, twenty, said sections respectively to read as follows:
Opening of books, etc.	SEC. 3. The persons so associating, after having filed the statement and published the notice as aforesaid, may open books to receive propositions, and enter into agreement in manner hereafter specified and in accordance with the articles of association of said corporation: <i>Provided, however,</i> That insurance companies organized as aforesaid, shall not commence business until such company shall be possessed of not less than sixty thousand dollars in premiums, upon which not less than nine thousand dollars shall have been paid in cash, and the remainder in notes or agreements of solvent parties, founded on actual and <i>bona fide</i> applications for insurance. Such notes or agreements may be for any amount deemed adequate by the directors of such company, but in no event shall any note taken by such company, whether prior or subsequent to its organization, be for more than ten times the actual cash premium, or payment collected thereon; nor shall any such company at any time expose itself to loss by any one fire in excess of five per cent of the face of all the deposit and premium notes or agreements, in force, held by such company.
Proviso in reference to commencing business.	
Limit of value of notes and amount insurable in a single risk.	
Cancellation of policies.	SEC. 17. Any policy issued by any company organized under this act may at any time be canceled by the company or the insured by written notice given by the party intending to cancel the policy to the other party thereto, either personally delivered or sent by mail addressed to such party at the place which was his or its postoffice address at the date of the application on which such policy is issued, or at the place which is his or its postoffice address at the time of giving such notice. When any such company shall cancel any policy in accordance with the foregoing provision such company shall, upon the delivery of such policy to its secretary for cancellation, return to the insured the unearned portion of cash premium paid on the policy so canceled for the unexpired term, after deducting and retaining any sum or sums of money for which the insured shall then be liable to such company for his pro rata of losses and expenses; when the insured shall cancel any policy in accordance with said provision such insured person so canceling shall at the time of giving such notice pay to the secretary of such company any sum or sums of money due or owing from such insured to such company, or for which such insured shall then be liable to such company; and in case such liability shall not have been ascertained and determined at the time of such notice, shall pay the same on demand after the same shall be ascertained and determined by the company.
Unearned premium to be returned.	
Payment of deferred premium by insured.	SEC. 18. When any policy so issued by any such company

shall be canceled as provided in the next preceding section, such company shall not be liable for any loss under any such policy after such notice shall have been given by the company and received by the insured. All policies so canceled shall be surrendered to the secretary of the company issuing the same for cancellation; and within sixty days after the receipt of any policy by the secretary for cancellation he shall return to the insured the note or notes, agreement or agreements, received from the insured for premium or payment of losses and expenses on payment by the insured to the company of all his liabilities to the company at the time of such cancellation; and on receipt of such note or notes, agreement or agreements, the insured member so receiving the same shall be thereupon discharged from all further liability to such company.

On cancellation company not liable.

Notes, etc., to be returned, etc.

SEC. 19. When a policy issued by any such company shall be canceled by notice given by the insured as provided in section seventeen of this act the company issuing the same may collect and receive of the insured customary short rates as established by such company for the time the policy shall have been in force, and such company may retain such short rates from any money due from such company to the insured.

When policy canceled by insured, rate to be charged.

SEC. 20. No agent or officer of any company organized under this act shall have power or authority to waive any written or printed condition or provision contained in any policy issued by such company, or in any application or agreement received by it from its members for insurance, or in its articles of association or by-laws; but all such written and printed conditions or provisions shall be held and deemed to be of the substance of the contract of insurance and strictly binding on insurer and insured, unless such waiver shall be agreed upon by a majority of the board of trustees of such corporation or association.

Condition of policy, how waived.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 306]

AN ACT to prohibit fishing with nets, excepting dip-nets, in any of the lakes, bays, bayous, harbors or streams of Muskegon county in this State.

SECTION 1. *The People of the State of Michigan enact, That* it shall not hereafter be lawful for any person to fish with seines, pound-nets, traps, trap-nets, or any net of whatsoever kind or description, except dip-nets, in any of the lakes, bays, bayous, harbors, rivers or streams within the county of Muskegon in this State; and when such streams empty into Lake Michigan or such lakes, bays, bayous, or harbors have an outlet into said Lake Michigan this act shall apply to the waters of Lake Michigan at any point within the distance of ten rods from the outlet of any stream therein, or where there are piers between which such waters

Fishing with certain nets prohibited.

Proviso. are discharged into said Lake Michigan within ten rods of the outermost end of such piers: *Provided*, That except, as aforesaid, this act shall not apply or be construed as applicable to the waters of Lake Michigan.

Penalty for violation of this act. SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 307.]

AN ACT to amend sections eight thousand and thirty-three and eight thousand and thirty-five of the compiled laws of one thousand eight hundred and seventy-one, relative to "county jails and the regulation thereof," as amended, the same being compiler's sections nine thousand six hundred and forty-nine and nine thousand six hundred and fifty-one of Howell's Annotated Statutes, as amended by act number one hundred and thirty-two of the public acts of one thousand eight hundred and eighty-five, approved June two, one thousand eight hundred and eighty-five, and by act number two hundred and twenty-four of the public acts of one thousand eight hundred and eighty-five, approved June seventeen, one thousand eight hundred and eighty-five.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections eight thousand and thirty-three and eight thousand and thirty-five of the compiled laws of one thousand eight hundred and seventy-one, relative to "county jails and the regulation thereof," as amended, the same being compiler's sections nine thousand six hundred and forty-nine and nine thousand six hundred and fifty-one of Howell's Annotated Statutes, as amended by act number one hundred and thirty-two of the public acts of one thousand eight hundred and eighty-five, approved June two, one thousand eight hundred and eighty-five, and by act number two hundred and twenty-four of the public acts of one thousand eight hundred and eighty-five, approved June seventeen, one thousand eight hundred and eighty-five, be and the same are hereby amended so as to read as follows:

Who to inspect jails.

(§9649.) SEC. 16. In each county of this State the judge of probate, the county agent of the State Board of Corrections and Charities, together with the county superintendents of the poor, shall be inspectors of the jails respectively. The judge of probate shall be [the] chairman and shall call such jail inspectors together, whenever necessary, to inspect the county jail, as hereinafter provided.

(§9651.) **Sec. 18.** It shall be the duty of such inspectors to visit and inspect the said jails in the month of February, and also in the month of September in each year, and make and sign in duplicate a detailed report of their inspection and of the condition of such jail at the time of inspection; also as to the manner in which the laws of this State as to the separation and classification of persons confined in such jail are complied with, with such recommendations as to changes in the management of the jail, and alterations in or additions to the jail as to such inspectors shall seem proper, one of which duplicate reports shall be forthwith transmitted to the secretary of the State Board of Corrections and Charities, and the other duplicate shall, by the chairman or one of the inspectors in person be presented to the board of supervisors on the first day thereafter that the said board shall be in session, and it shall be the duty of the said board of supervisors to take such action in the premises as they shall deem necessary.

Inspectors duty to visit and examine jails.
Contents of report.

Duplicate reports, to whom sent.

Duty of board of supervisors.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 308.]

AN ACT making an appropriation of State swamp lands for the purpose of dredging and improving the water course between Bellaire and the waters of Torch Lake, in Antrim county.

SECTION 1. *The People of the State of Michigan enact,* That the Board of Control of State Swamp Lands be and they are hereby authorized and empowered to appropriate five sections of State swamp lands not otherwise appropriated, in the Lower Peninsula, or so much thereof as they may deem necessary, for the purpose of dredging and improving the water course between Bellaire and the waters of Torch Lake, in Antrim county.

Appropriation of lands and purposes of.

Sec. 2. The Board of Control aforesaid are hereby directed to make a survey at as early a day as practicable of said contemplated improvements and determine the necessity and cost of the same.

Board of Control to make survey.

Sec. 3. To further the making of said improvements, and for the protection of the interest of the State, the Board of Control aforesaid shall be governed, as near as may be, and not otherwise provided by this act, by the provisions of law relating to the construction of swamp land State roads and ditches.

How governed.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 309.]

AN ACT to amend sections number one thousand three hundred and forty-four and one thousand three hundred and forty-five of the compiled laws of one thousand eight hundred and

seventy-one, relative to the recording of town plats and the vacation of the same, as amended by act number one hundred and eight, session laws of one thousand eight hundred and seventy-three, approved April seventeenth, one thousand eight hundred and seventy-three, being compiler's sections one thousand four hundred and seventy-three and one thousand four hundred and seventy-four of Howell's Annotated Statutes, as amended by act number one hundred and eleven of the public acts of one thousand eight hundred and eighty-five, approved May twenty-first, one thousand eight hundred and eighty-five.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections number one thousand three hundred and forty-four and one thousand three hundred and forty-five, compiled laws of one thousand eight hundred and seventy-one, relative to the recording of town plats and vacating the same, as amended by act number one hundred and eight, session laws of one thousand eight hundred and seventy-three, approved April seventeenth, one thousand eight hundred and seventy-three, being compiler's sections one thousand four hundred and seventy-three and one thousand four hundred and seventy-four of Howell's Annotated Statutes, as amended by act number one hundred and eleven of the public acts of one thousand eight hundred and eighty-five, approved May twenty-first, one thousand eight hundred and eighty-five, be and the same is hereby amended to read as follows:

Plats of towns,
cities, etc., and
of additions to
same, etc.

Scale of, etc.

Detailed de-
scription re-
quired.

How and by
whom
executed, etc.

(§1473.) SEC. 1. Whenever any town, city, village, or addition thereto, shall be laid out or shall be altered or vacated as herein-after provided, within this State, the proprietor or proprietors thereof shall cause a true map or plat thereof to be made by a civil engineer, surveyor or other competent person. Such map or plat shall in every case be made on a scale showing not more than two hundred feet to an inch, on sheets of good muslin-backed paper, eighteen inches by twenty-four inches in size. There shall be written upon the paper on which said map or plat shall be made a full and detailed description of the land embraced in said map or plat, showing the township and range in which such land is situated, and the sections and parts of sections platted, and containing the name of the town, city, village, or addition platted, the name or names of the proprietor or proprietors thereof, and of the engineer, surveyor, or person making said map or plat, with the date. The same shall be signed by such proprietor or proprietors, and their wives, and engineer, surveyor, or person making the same, and shall be witnessed and acknowledged by the owners as deeds conveying land are required to be witnessed and acknowledged. The sections and parts of sections platted shall also be designated by lines drawn upon said map or plat, with appropriate letters and figures, and in case of a subdivision of lots or blocks of a previous survey, the outlines of the original or previous lots or blocks so subdivided shall be designated by lines drawn upon said map or plat, and shall be marked with appropriate letters and

figures. There shall also be on such map or plat a plain designation of the cardinal points, and a correct scale. Such map or plat shall be recorded in the office of the register of deeds for the county in which the land platted is situated. Before such plat shall be recorded, and before any copies are made therefrom, the person making the same shall forward the original plat to the Auditor General of the State, who shall approve of the same whenever such plat shall conform, in his opinion, to the requirements of this act and shall return the plat to the person who forwarded it, with his approval indorsed thereon. For the purpose of such recording the said proprietor or proprietors shall cause to be made by a civil engineer, surveyor or other competent person, on the same scale, and on paper of the same size and quality, as that on which the original map or plat is required to be made, an exact copy of said original map or plat, with the detailed description, signatures, witnesses, acknowledgment and indorsement of approval as above specified. When such map or plat shall conform, or shall be made to conform, in all respects to the requirements of this act, the said register and said engineer, surveyor, or person who made the same, shall each carefully compare said copy with said original map or plat, and if correct, or when made correct, it shall be certified by the said register and said engineer, surveyor, or person who made the same, who shall certify that they have carefully compared the same with said map or plat, describing it, and that it is an exact copy thereof and of the whole of such original map or plat. The said register shall then securely fasten the said copy in a book of the proper size for such paper, so that it shall not be folded, which book shall be strongly bound in leather and provided at the expense of the said county, and such copy so fastened in said book shall be held and taken to be a record of the said map or plat with like effect as if the said map or plat had been actually transcribed by said register in a book in his office; but in no case shall any such map or plat be recorded until it shall be made to conform to all the requirements of this act, nor until such duplicate shall be made an exact duplicate of said original map or plat as approved by the Auditor General; and for any willful violation of this provision by a register of deeds he shall be liable to a penalty of ten dollars, and shall also be liable to pay all damages which any person may sustain by reason thereof, to be recovered in an action of trespass on the case. The register shall certify on such map or plat the time when it was recorded as aforesaid, with a reference to the book or page where recorded. He shall note on the record the time when made, and shall keep a separate index of maps or plats, in which he shall enter, alphabetically, the name of every town, city, village or addition the map or plat of which shall be recorded by him, with a reference to the book and page where the same shall be recorded. There shall be made a true copy of the record of such map or plat so recorded on paper of the same quality and size as above prescribed and on the same scale, which copy shall be certified by

Record of, must be approved by Auditor General, etc.

Duplicate to be made.

Duplicate to be compared.

To be fastened in book by register of deeds.

Plat and duplicate to conform to act.

Penalty for violation of act, etc.

Certificate of time of recording, etc.

Note of time when made and index.

Certified copy to be delivered to Auditor General.

the said register and engineer, surveyor or person making the same, who shall certify that they have each carefully compared the same with the record, and that it is a true transcript therefrom, and of the whole of such record. Such copy so certified shall then be delivered to the Auditor General of this State, who shall file the same in his office. The Auditor General shall keep an index in which he shall enter, alphabetically, the name of every town, city, village and addition a copy of the record of the map or plat of which shall be filed in his office, the date of filing the same, and whatever else he may think necessary to facilitate reference thereto. On delivering such copy to the Auditor General the person delivering it shall pay into the State treasury, to the credit of the general fund, the sum of one dollar. The original map or plat, with the certificate of record indorsed thereon, the record thereof made as aforesaid, or a properly certified transcript of such record shall be received in all courts of this State as *prima facie* evidence of the making and recording of such map or plat in conformity with the provisions of this act, and the copy of such recorded map or plat filed in the Auditor General's office, or a properly certified transcript thereof shall be received in all courts of this State as *prima facie* evidence of the above matters, and also the filing of said copy in the Auditor General's office. If any person or persons shall sell any lot or lots within any such town, city, village or addition before the map or plat thereof shall be recorded, and the copy of the record thereof filed as aforesaid, he or they shall forfeit and pay the sum of ten dollars for each lot so sold. For all services by this act required to be performed by a register of deeds in respect to any such map or plat brought into his office for record the said register shall be entitled to receive the sum of two dollars, which shall be paid by the proprietor or proprietors of the ground platted: *Provided*, That in all cases where the proprietor or proprietors of any piece or pieces of land shall have caused the same to be laid out and platted as a city, town or village, or as an addition to a city, town, or village, or where the proprietors have caused such city, town or village lots to be deeded by metes and bounds and courses and have failed or neglected to have a plat thereof made and recorded in the office of the register of deeds of the county in which such land is situated, the supervisor or assessor of the township, city or village in which such land is situated shall, when authorized by the township board of such township, or by the common council or board of trustees of such city or village, cause a map or plat of said city, town, village or addition to be made under his hand and seal, properly acknowledged by him, and showing by reference to this act the authority for the same, and have the same properly recorded in the office of the said register of deeds, and filed in the Auditor General's office, as hereinbefore provided, and such plat or map when so recorded and filed shall be treated in respect to the assessment, collection, and return of taxes, and the sale of said lands for delinquent taxes, as if the same had been made by the proprietor

Auditor General
to keep index.

Fee to State.

Plat or copy of
record, evi-
dence.

Forfeiture for
selling lot be-
fore recording.

Compensation
of register for
services, etc.

Proviso.

or proprietors: *Provided*, That such proceedings shall not interfere with vested rights: *Provided, further*, That the expense of making said plat or map, when done by the supervisor or assessor, according to the provisions of this act, shall be paid by the township, city or village in which such plat is located.

(§1474.) SEC. 2 That such maps or plats as are by this act required to be recorded shall particularly set forth and describe such portion of the government survey as is intended to be platted, and when said premises are not included in the legal subdivisions of the government surveys then the boundaries to be defined by metes and bounds and courses. Said maps or plats shall also particularly set forth and describe all the public grounds, except for streets and alleys, by their boundaries, courses, and extent, and all streets and alleys by their courses, lengths, widths, names, or numbers, by writing or figures upon that portion of the map or plat intended for those uses. And all the lots intended for sale may be numbered, either by progressive numbers, or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered. Where all the lots of any block are of the same dimensions it shall be sufficient to mark the precise length and width upon one tier thereof; but all gores, triangles, or other lots, which are not either squares or parallelograms, shall have the length of their sides plainly defined by figures. Permanent monuments shall be located in the ground at all angles in the boundaries of the land platted, and at all the intersections of streets, or streets and alleys, as shown on the map or plat, and when there are permanent objects in the vicinity of such monuments the bearings and distances of such objects shall be noted. The character of the monuments and the bearings and distances of such witness points or objects shall be distinctly given in the most convenient manner on the plat. The surveyor or engineer making such plat shall certify that the plat is a correct one, and that the monuments described in it have been planted as therein described. The map so made and recorded in compliance with the provisions of this act shall be deemed a sufficient conveyance to vest the fee of such parcels of land as may be therein designated for public uses in the city or village within the incorporate limits of which the land platted is included, or if not included within the limits of any incorporated city or village, then in the township within the limits of which it is included in trust to and for the uses and purposes therein designated, and for no other use or purpose whatever.

Approved June 28, 1887.

[No. 310.]

AN ACT to provide for corporations to diffuse moral and religious knowledge and instruction, and to receive and apply such loans and advance, and accept and execute such trusts as shall be made for such purposes, and to enable individuals and

also associations existing under act number one hundred and ninety-two of the session laws of eighteen hundred and sixty-seven, entitled "An act to provide for the incorporations of associations, conventions, conferences or religious bodies, for literary, religious or other benevolent purposes," approved March twenty-seven, eighteen hundred and sixty-seven, being chapter one hundred and seventy-eight of Howell's Annotated Statutes, as amended, to effect incorporations [incorporation] for such purposes.

Certain persons may cause trustees, etc., to be body corporate.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than nine [9], being members of some religious body of this State, whether such body be incorporated or not, may cause the trustees hereinafter described, and their successors, to be a body corporate with the powers and franchises and subject to the regulations hereinafter specified.

Articles of association, how signed, etc.

SEC. 2. The said persons agreeing to establish such corporation shall unite in signing articles of association, either singly or in duplicate, and acknowledge the same before some officer of this State authorized to take acknowledgment of deeds, and shall cause such articles to be recorded at the expense of the corporation in the office of the Secretary of State. Either set of said original articles, or any set of the articles as amended as hereinafter provided, or a copy thereof certified by the Secretary or deputy Secretary of State, with the time, liber, and page of record, shall be receivable in all courts of this State as *prima facie* evidence of the due formation, existence, and capacity of such corporation in any suit or proceeding brought by or against the same.

What articles to specify.

SEC. 3. The articles shall specify:

First, The name of the corporation;

Second, The place where its principal office is located;

Third, The object of the corporation;

Fourth, The amount of real estate it may own;

Fifth, The amount of personal property it may own;

Sixth, The number of the trustees and their names and residences;

Seventh, The name and denomination of the religious body to which the promoters who sign the articles belong, or in case of an existing association coming in under this act, pursuant to the provisions of section twelve, the name and denomination of the religious body with which the trustees who sign such new articles are connected, and in either case, whether such body is incorporated or not;

Eighth, The duration of the corporation under this act;

Ninth, And such other things as are deemed expedient by those who execute the articles, and are not inconsistent with the constitution and laws of this State or of the United States, or of any provision of this act.

Limit of property to be owned by corporation, etc.

SEC. 4. Said corporation may own real estate not exceeding in value five hundred thousand dollars, and personal property not exceeding in value five hundred thousand dollars, which real estate

and personal property shall be used exclusively for the diffusion of moral and religious knowledge and instruction by the best methods known to the trustees and available to them. Said corporation may also, for the uses and purposes contemplated by this act, acquire, possess, hold, and convey real and personal property in any foreign state or country to an amount not forbidden by the constitution or laws of such foreign state or country.

SEC. 5. All property of any such corporation actually within this State (except houses of public worship, used and occupied as such) shall be subject to taxation the same as other property of the same kind. What property subject to taxation.

SEC. 6. That said corporations may be able to effectuate the objects for which they are allowed to be established it is hereby expressly provided that they may receive and apply thereto all such loans, gifts, and advances, and accept and execute such trusts in aid thereof as may be offered for such purpose: *Provided*, That the value of the property at any time owned by any such corporation shall not exceed the limit hereinbefore specified. May receive gifts, execute trusts, etc. Proviso.

SEC. 7. In the case of an original corporation under the provisions of this act the first trustees shall be designated in the articles, and they shall hold until the first regular meeting of the religious body to which the signers of the articles belong, and until the successors of such trustees are chosen and appear to take their places. Thereafter the whole number of trustees shall be elected at each annual meeting of such religious body by the legal voters thereof, and in accordance with the usages of said body, and the trustees so elected shall succeed and enter upon their duties at such time after their election as shall be fixed by by-law, or if not so fixed, then at such time as shall be prescribed by said religious body. Trustees.

SEC. 8. It shall be the duty of every such corporation to keep and preserve full and correct records of all its proceedings, relating to trusts confided to it, and to the state, management, and disposition of its property interests; and it shall also be the duty of the religious body with which the corporation is connected to keep and preserve a correct account of all its doings relative to the corporation. Such records shall at all times be subject to inspection by each house of the legislature, by the Governor, the Secretary of State and the Attorney General. Records of proceedings of corporation. Subject to what inspection.

SEC. 9. Every corporation under this act shall have capacity to sue and be sued in its corporate name, to have a corporate seal and alter the same at pleasure; to appoint such officers, ministers, missionaries, delegates, agents and servants as shall be thought proper, and prescribe their powers, duties and obligations, and fix their compensation, and make regulations for their change or removal; to ordain all such reasonable by-laws and rules compatible with the constitution and laws of this State and of the United States, and with the provisions of this act, for the ordering and conduct of its affairs, and the management and disposal of its property, and the performance of all its duties, and the execution of all the trusts confided to it, as may be best; and to have and Corporate rights, etc.

Proxy.	exercise all the powers appropriate and requisite to carry into effect the objects for which it was formed. In case it shall be considered expedient the by-laws may provide that trustees may be allowed to vote or act by proxy, when necessary, on occasions of urgency, but any such by-laws shall precisely define the occasion for such vote or action, and the manner of proceeding. A copy of the by-laws in operation at any time, or of any particular by-law or by-laws, whether still in operation or otherwise, certified under the seal of the corporation and verified by the oath of one or more of the trustees shall be receivable as <i>prima facie</i> evidence in all cases or proceedings in which the original would be receivable. A copy of the by-laws in force should always be kept in the principal office of the corporation, and shall be open to public inspection.
By-laws open to public inspection.	
Election of trustees.	SEC. 10. If for any cause there shall be a failure to elect trustees by the time specified therefor the corporation shall not by reason thereof be in any manner impaired, but the trustees then in office shall hold until successors are elected and appear to assume office; and in case of vacancy occurring in any year the remaining trustees shall immediately fill it by appointment under their hands, and such appointee shall hold during the remainder of the term, and until the election of a successor and his appearance to assume office.
Vacancies.	
Formation of new corporation to succeed.	SEC. 11. If the religious body having authority to elect trustees for a corporation hereunder shall desire to continue the objects of such corporation, it may within two years next before the end of such corporation, whether it be by lapse of time or otherwise, under the authority and regulations of this act, elect such persons as it may prefer to form articles and organize a new corporation for the same object, to be successor thereof; and in the formation of such new corporation, it shall, on the expiration of its predecessor, be absolutely vested with all the property and property interests thereof and under the like conditions, and be subject to all the debts, trusts, liabilities, and obligations of such old corporation. And in order to have convenient evidence of ownership, and facilitate the tracing of titles, the trustees of the old corporation, or a majority thereof, shall immediately give proper instruments to the new corporation, declaring the transfer, and as far as practicable describing the property or property interests in question. Any such religious body may have at the same time one acting corporation hereunder, and one corporation instituted to be its successor, but no more. In case no succeeding corporation shall be provided the property interests shall escheat to the State subject to all the debts, duties, liabilities and obligations of the expired corporation.
Trustees of old corporation to transfer certain titles, etc., to new.	
Limit of corporation, in one religious body.	
When property to escheat to State.	
What corporations in fact may incorporate under this act.	SEC. 12. Any corporation, in fact, going on under chapter one hundred and seventy-eight of Howell's Annotated Statutes of Michigan, as amended, whether regularly constituted, or otherwise, may be a corporation under this act, and have the powers and franchises and be subject to the restrictions, conditions and regulations prescribed hereby, and cease to be a corporation under

said chapter, and cease to be subject to the provisions thereof. Such transition shall be effected as follows: The trustees, or at least two-thirds thereof, shall declare by resolution in favor of such change, and shall thereupon execute and acknowledge articles as directed herein, and shall append thereto a statement of the amount of property owned by the corporation according to the knowledge and belief of said trustees, which statement they shall verify by their oaths; and said resolution, articles and statement shall be recorded in the office of the Secretary of State, and thereupon the transition shall be complete, and said corporation shall be a corporation under this act. No right, no trust, debt, duty, liability, or obligation shall be impaired by such change, neither shall the term of existence previously fixed for the corporation be enlarged, nor the object be extended. Said articles, resolution and statement, or a copy thereof duly certified by the Secretary or deputy Secretary of State, with the time, liber, and page of record, shall be receivable in all the courts of this State as *prima facie* evidence of the due transition of such corporation from its former organic act to this act, and of its due formation, existence and capacity hereunder.

How transition effected.

Rights, etc., not impaired by change.

SEC. 13. Any corporation under this act may amend its articles by filing in the office of the Secretary of State the whole articles at length as amended, executed under the corporate seal by at least two-thirds of the trustees, and supported by the affidavit of such trustees, stating that according to their belief such amendment is for the interests of the corporation and not prejudicial to the just rights of any one, and is in accordance with the desire of a majority of the voters of the religious body having the appointment of the trustees. No such amendment shall alter the object of the corporation or enlarge the time previously fixed for its continuance.

Amendment of articles.

SEC. 14. Any corporation existing under this act shall, whenever required by either house of the legislature, or by the Governor, Secretary of State, or Attorney General, report a full statement to the house or officer requiring it of such of its affairs as shall be specified in the request.

Reports of corporation.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 311.]

AN ACT making an appropriation for the general expense of the State government, salaries of State officers, expenses of State departments and expenses of the legislature for the years of eighteen hundred and eighty-seven and eighteen hundred and eighty-eight, and to provide a tax for the payment of the same.

SECTION 1. *The People of the State of Michigan enact*, That there shall be levied upon the aggregate of taxable real and personal estate of the State in the year eighteen hundred and eighty-

Appropriation and purposes of.

seven the sum of nine hundred ten thousand three hundred twelve dollars and seven cents [\$910,312.07], and in the year eighteen hundred and eighty-eight the sum of seven hundred fifty-three thousand seven hundred and fifty dollars [\$753,750], to be raised by tax, and the same is hereby appropriated for the payment of salaries of the State officers and other expenses of the State government for the aforesaid years which are not otherwise provided for.

Tax for appor-
tionation.

SEC. 2. The Auditor General shall apportion each year the amounts herein directed to be raised among the several counties of this State as provided by law for the apportionment of State taxes.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 312.]

AN ACT to amend section eight thousand two hundred and eighteen of Howell's Annotated Statutes, being section six thousand six hundred and thirty of the compiled laws of eighteen hundred and seventy-one, as amended by act number sixty-three of the session laws of eighteen hundred and eighty-three, relative to proceedings by and against public bodies having certain corporate powers, and by and against officers representing them.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section eight thousand two hundred and eighteen [8218] of Howell's Annotated Statutes, being section six thousand six hundred and thirty [6630] of the compiled laws of eighteen hundred and seventy-one, as amended by act number sixty-three [63] of the session laws of eighteen hundred and eighty-three [1883], relative to proceedings by and against public bodies having certain corporate powers, and by and against officers representing them, be and the same is hereby amended so as to read as follows:

How judgment
against town-
ship, etc., col-
lected.

(§8218.) SEC. 7. Whenever judgment shall have been recovered against any township, village or city, or against the trustees or common council, or officer [officers] thereof, in any action prosecuted by or against them in their name of office, no execution shall be awarded or issued upon such judgment, but it shall be the duty of the justice of the peace rendering such judgment, if in a justice's court, at any time after the time for appealing has elapsed, or the clerk of the court, if such judgment shall be rendered in a court of record and shall not be reversed, on the application of the party in whose favor such judgment was rendered, his attorney, executor, administrator, or assigns, to make and deliver to the party so applying a certified transcript of such judgment, showing the amount and date thereof, with the interest to time of payment, and of the costs as taxed under the seal of the court, if in a court having a seal, and it shall be lawful for the party so obtaining such certified transcript to file the same with the super-

Certified trans-
cript, to whom
delivered, etc.

visor of the township, if such judgment is against a township, or with the assessing officer or officers of the city or village, if such judgment is against a city or village. And it shall be the duty of the supervisor or supervisors or assessing officer or officers receiving any such certified transcript or transcripts of any judgment or judgments to proceed to assess the amount thereof with the costs and interest from the date of rendition of judgment to the time when the warrant for the collection thereof will expire upon the taxable property of the township, city or village, as the case may be, upon the then next tax-roll of such township, city or village, without any other or further certificate or certificates than such certified transcript or transcripts, as a part of the township, city or village tax, adding the total amount of such judgment or judgments, as the case may be, to the other township, city or village taxes, and assessing the same in the same column with the general township, city or village tax. And it shall further be the duty of such supervisor, assessing officer or officers to set forth in the warrant attached to such tax-roll each judgment separately, stating the amount thereof and to whom payable, and the same shall be collected and returned in the same manner as other taxes. And it shall further be the duty of such supervisor, assessing officer or officers, at the time when he or they shall deliver such tax-roll to the treasurer or collecting officer of any such township, city or village, to deliver to the township clerk or to the clerk or recording officer of any such city or village a statement in writing under his hand, setting forth in detail and separately such judgment or judgments, as the case may be, stating the amount of each, with costs and interest as herein provided, and to whom payable. And it shall be the duty of such treasurer or collecting officer of any such township, city, or village, to collect and pay said judgment to the owner thereof or his attorney, on or before the date when such tax-roll and warrant shall be returnable. In case any supervisor, treasurer, or other assessing or collecting officer shall neglect or refuse to comply with any of the provisions of this act he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one hundred dollars and costs of prosecution, or imprisonment in the county jail for a period not exceeding three months, or by both such fine and imprisonment, in the discretion of the court. Nothing herein contained shall be construed to exclude other remedies now given by law for the enforcement of such judgments.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 313.]

AN ACT to provide for the taxation and regulation of the business of manufacturing, selling, keeping for sale, furnishing, giving, or delivering spirituous and intoxicating liquors, and

malt, brewed, or fermented liquors and vinous liquors in this State, and to repeal all acts or parts of acts inconsistent with the provisions of this act.

Annual tax, etc., amount of.	SECTION 1. <i>The People of the State of Michigan enact, That</i> in all townships, cities and villages of this State there shall be paid annually the following tax upon the business of manufacturing, selling or keeping for sale, by all persons whose business, in whole or in part, consists in selling or keeping for sale, or manufacturing distilled or brewed or malt liquors or mixed liquors, as follows: / Upon the business of selling or offering for sale spirituous or intoxicating liquors, or mixed liquors by retail, or any mixture or compound, excepting proprietary patent medicines, which in whole or in part consist of spirituous or intoxicating liquors, and any malt, brewed, or fermented liquors, five hundred dollars per annum; upon the business of selling only brewed or malt liquors at wholesale or retail, or at wholesale and retail, three hundred dollars per annum; upon the business of selling spirituous or intoxicating liquors at wholesale, five hundred dollars; or at wholesale and retail, eight hundred dollars per annum; upon the business of manufacturing brewed or malt liquors for sale, sixty-five dollars per annum; upon the business of manufacturing for sale spirituous or intoxicating liquors, eight hundred dollars per annum. No person paying a tax on spirituous or intoxicating liquors under this act shall be liable to pay any tax on the sale of malt, brewed or fermented liquors. No person paying a manufacturer's tax on brewed or malt liquors under this act shall be liable to pay a wholesale dealer's tax on the same.
Who not liable to pay tax on malt, etc., liquors.	
Who to be considered retail dealers.	SEC. 2. Retail dealers of spirituous or intoxicating liquors, and brewed, malt and fermented liquors, shall be held and deemed to include all persons who sell any of such liquors by the drink, and in quantities of three gallons or less, or one dozen quart bottles or less, at any one time, to any person or persons. Wholesale dealers shall be held and deemed to mean and include all persons who sell or offer for sale such liquors and beverages in quantities of more than three gallons, or more than one dozen quart bottles, at any one time, to any person or persons. No tax imposed under this act shall be required from any person for selling any wine or cider made from fruits grown or gathered in this State, unless such wine or cider be sold by the drink as other beverages are.
Wholesale dealers.	
No tax imposed for selling certain wine or cider.	
Penal provisions not to apply to druggists, etc.	SEC. 3. The penal provisions of this act shall not apply to druggists who sell liquors for chemical, scientific, medicinal, mechanical, or sacramental purposes only, and in strict compliance with law. It shall not be lawful for any druggist, nor for any person whose business consists in whole or in part of the sale of drugs and medicines, directly or indirectly, by himself, his clerk, agent or servant, at any time, to sell, furnish, give, or deliver, any spirituous, malt, brewed, fermented, or vinous liquor, or any mixed liquor, a part of which is spirituous, malt, brewed, fermented or vinous, to a minor, except for medicinal or mechanical purposes, on the written order of the parent or guard-
To whom druggists shall not furnish, etc., except for medicinal, etc., purposes.	

ian of such minor, nor to any adult person whatever, who is at the time intoxicated, nor to any person in the habit of getting intoxicated, nor to any Indian, or any person of Indian descent, nor to any person when forbidden in writing so to do by the husband, wife, parent, child, guardian, or employer of such person, or by the supervisor of the township, or mayor, or director of the poor, or any supervisor or alderman of the city, or president or trustee of any village or superintendent of the poor of the county in which such person shall reside or temporarily remain, nor to any other person to be used as a beverage, nor to any person to be drank on the premises, nor to be mixed and drank with any beverage drawn from a soda-fountain or other apparatus or device for dispensing aerated or other beverages; but such druggist shall be allowed to sell said liquors for medicinal, chemical, scientific, mechanical and sacramental purposes only, without the payment of any tax specified in section one, and subject to the following restrictions and conditions: Every such dealer in drugs and medicines shall procure and keep a suitable blank book in which shall be recorded by said druggist, his clerk or employé the names of all persons applying for such liquor for any of these lawful purposes, the date of each sale, the amount and kind of liquor sold to each person, and the purpose to which the same was to be applied, as stated by the purchaser, which book shall be kept in the store of said druggist, and shall be open to all persons for examination during all business hours; and the failure to keep a record of every such sale, in manner and form as aforesaid, or the delivery of liquor for any purpose other than above named, shall subject such druggist to the penalties provided for in this section: *Provided*, That such druggist shall, on or before the first day of May in each year, or before commencing business, execute and file with the county treasurer of the county in which he is carrying on such business, a bond, the sufficiency of which shall be determined by the township board of the township, or the board of trustees, or the common council of the village or city in which such business is proposed to be carried on, to the people of the State of Michigan, in the sum of two thousand dollars, with two or more sufficient sureties, who shall be freeholders and residents of the county in which such business is proposed to be carried on, each of whom shall justify in a sum equal to the amount of the bond, over and above all indebtedness and all exemptions from sale on execution, and all liability on other similar bonds, which bond shall be substantially in the following form:

Druggists, etc., to keep record of persons applying, etc.

Penalty for failure to keep record, etc.

Proviso as to bond.

Know all men by these presents, that we _____
as principal and _____ and _____
as sureties, are held and firmly bound unto the people of the State of Michigan in the sum of two thousand dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators firmly by these presents. Sealed with our seals and dated this _____ day of _____ 18_____.

Form of druggist's bond.

WHEREAS, The above named principal proposes to carry on the business of a druggist at....., in the county of and State of Michigan;

AND WHEREAS, The said principal hath covenanted and agreed, and doth hereby covenant and agree as follows, to-wit: That he will not directly or indirectly by himself, his clerk, agent, or servant, at any time, sell, furnish, give, or deliver any spirituous, malt, brewed, fermented or vinous liquor, or any mixed liquor, a part of which is spirituous, malt, brewed, fermented or vinous, to a minor, except for medicinal or mechanical purposes, on the written order of the parent or guardian of such minor, nor to any adult person whatever, who is at the time intoxicated, nor to any person in the habit of getting intoxicated, nor to any Indian, or any person of Indian descent, nor to any person when forbidden in writing so to do by the husband, wife, parent, child, guardian, or employer of such person, or by the supervisor of the township, mayor or director of the poor of the city, or superintendent of the poor of the county in which such person shall reside or temporarily remain, and that he will not sell any such liquor to be drank on the premises, nor to be mixed and drank with any beverage drawn from a soda-fountain or other apparatus or device for dispensing aerated or other beverages; that he will sell such liquors for chemical, scientific, medicinal, mechanical and sacramental purposes only, and that he will pay all damages, actual and exemplary, that may be adjudged to any person or persons for injuries inflicted upon him or them, either in person or property, or means of support, or otherwise by reason of his selling, furnishing, giving or delivering any such liquors. Now the condition of this obligation is such that if said principal shall well and truly keep and perform all and singular the foregoing covenants and agreements, and shall pay any judgment for actual or exemplary damages which may be recovered against him in any court of competent jurisdiction, and all fines and costs that may be imposed upon him for violations of this act, then this obligation shall be void and of no effect, otherwise the same shall be in full force and effect.

Signed and sealed in the presence of

-----	-----	[L. S.]
-----	-----	[L. S.]
-----	-----	[L. S.]

Violation of act
a misdemeanor,
etc.

Whenever any druggist shall violate any of the provisions of this section, he shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine of not less than one hundred nor more than five hundred dollars and costs of prosecution, or imprisonment in the county jail not less than ninety days nor more than one year, or both such fine and imprisonment, in the discretion of the court; for a second violation of any of the provisions of this act such druggist shall, in addition to the penalty hereinbefore provided for, be debarred from selling in this State any of the liquors hereinbefore mentioned for a period of five years from and after the date of such conviction, and it shall

be set forth and declared in the record of judgment upon such second conviction: *Provided*, That every drug clerk shall be responsible for violating the provisions of this act, for his personal act or violation and be subject to the same penalties as proprietors or employers. Proviso.

SEC. 4. Every person engaged in, or intending to engage in any business named in section one of this act, and requiring the payment of any tax mentioned in said section one, shall, on or before the first day of May in each year, make and file with the county treasurer in the county where it is proposed to carry on such business, a statement in writing and on oath, showing the name and residence of such person, the ward, village or township in which it is proposed to carry on such sale or manufacture, and the nature of the business which such person is engaged in, or is intending to engage in; and shall, on or before the first day of May in each year, pay to the said county treasurer, in advance, the taxes required by said section one for such business for the year commencing on said first day of May and ending on the thirtieth day of April next thereafter. Persons engaged in, etc., to file statement, etc.
Contents of statement.

SEC. 5. Every person engaging in any business specified in section one of this act after the first day of May in each year shall, before commencing such business, make and file the like statement, on oath, as is provided for in section three of this act, and pay in advance to said county treasurer a *pro rata* portion of the yearly tax on such business, as provided in section one, for the remainder of the year ending on the thirtieth day of April next ensuing; and in computing the time of such fractional part of a year for which a tax is required the same shall commence on the first day of that month in which said business shall commence. But no tax shall be less than one-half of the yearly tax. Pro rata portion of tax, when and to whom paid, etc.

SEC. 6. On receiving the tax provided for in this act the county treasurer shall give a receipt for the money so paid to the person or persons of whom the same shall be received, in which receipt the name of the person or persons paying the tax shall be stated, and shall specify therein the amount of the tax and the time for which it was paid, the city, village or township in which the business is to be conducted, and the kind of business for or on account of which the tax was paid; and he shall also deliver to such person or persons a notice, printed on full size printer's card-board, and in as large letters as practicable, which notice shall contain a statement of what tax has been paid by the holder of said notice and the penalties for selling liquors in violation of the provisions of this act, and that complaint may be made to any justice of the peace or police justice. Before commencing or doing any business for the time for which such tax is paid, and the receipt is given, the said notice and receipt shall be posted up and at all times displayed in a conspicuous place in the room or place where the sale of the liquors or beverages named in this act, and for which the tax was paid, is carried on, so that such receipt and notice shall be displayed in a conspicuous manner to all persons Receipt of county treasurer for tax, and what to specify.
Notice, contents of.
Notice, etc., to be posted in conspicuous place, etc.

Auditor General
to prepare
blanks for re-
ceipts, etc.

visiting or frequenting such room or place. And it shall be the duty of the Auditor General to prepare printed blank receipts and notices conforming to the provisions of this act, and to furnish the same in proper quantities to the several county treasurers of the State, and no county treasurer shall issue any such receipt or notice until the tax specified herein shall be paid in full in money.

Violation of the
provisions re-
quiring payment
of tax a misde-
meanor.

SEC. 7. If any person or persons shall engage or be engaged in any business requiring the payment of a tax under section one of this act without having paid in full the tax required by this act, and without having the receipt and notice for such tax posted up as required by this act, or without having made, executed and delivered the bond required by this act, or shall in any manner violate any of the provisions of this act, such person or persons shall be deemed guilty of a misdemeanor, and, upon conviction thereof, if there is no specific penalty provided therefor by this act, shall be punished by a fine of not more than two hundred dollars and costs of prosecution, or by imprisonment in the county jail not less than ten days nor more than ninety days, or both such fine and imprisonment, in the discretion of the court. And in case such fine and costs shall not have been paid at the time such imprisonment expires the person serving out such sentence shall be further detained in jail until such fine and costs shall have been fully paid: *Provided*, That in no case shall the

Penalty.

Proviso.

Penalty for vio-
lation of provi-
sions of act after
payment of tax.

whole term of imprisonment exceed six months. And any person or persons engaged in any business requiring the payment of a tax under section one of this act, who, after paying the tax so required, shall be convicted of a violation of any of the provisions of this act, shall thereby, in addition to all other penalties prescribed by this act, forfeit the tax so paid by him or them, and be precluded from continuing such business for the remainder of the year or time for which said tax was paid, and be debarred from again engaging in any business requiring the payment of a tax under section one of this act, or from becoming a surety or sureties upon any bond required under section seven of this act, for the period of one year from the time of such conviction. Each violation of any of the provisions of this act shall be construed to constitute a separate and complete offense, and for each violation on the same day, or on different days, the person or persons offending shall be liable to the penalties and forfeitures herein provided, and be precluded and debarred from continuing or engaging in any business requiring the payment of a tax under this act as aforesaid. And it shall be the duty of sheriffs, marshals, constables and police officers to forthwith close all saloons and other places where the business of manufacturing, selling or keeping for sale any of the liquors mentioned in section one of this act is being conducted upon which business the tax required by said section one has not been paid in full, and in which the receipt mentioned in section five of this act shall not be posted up and displayed.

Each violation a
separate offense.

Duty of sheriffs,
marshals, etc.

Bond of persons
engaged in sale
of liquors, etc.

SEC. 8. Every person engaged in the sale of any spirituous, malt, brewed, fermented or vinous liquors, except druggists, shall,

before commencing such business, and on or before the first day of May in each and every year thereafter, make, execute, and deliver to the county treasurer of the county in which he is carrying on such business, a bond, the sufficiency of which shall be determined by the township board of the township, or the board of trustees, the council or the common council of the village or city in which such business is proposed to be carried on, to the people of the State of Michigan, in the sum of not less than three thousand nor more than six thousand dollars, with two or more sufficient sureties, who shall be male residents and freeholders of the township, village or city in which such business is proposed to be carried on, neither of whom shall hold any elective or appointive office in any county, city, village or township of this State, except notaries public, nor be a surety upon more than two bonds required by the provisions of this act, and each of whom shall justify in real estate situated in the county in which such business is proposed to be carried on in a sum equal to the amount of the bond, over and above all indebtedness, and all exemptions from sale or execution, which bond shall be substantially in the following form:

Know all men by these presents, that we..... Form of bond.
 as principal, and, and
, as sureties, are held and firmly bound unto the
 people of the State of Michigan in the sum of.....
 dollars, to the payment whereof, well and truly to be made, we
 bind ourselves, our heirs, executors, and administrators, firmly by
 these presents. Sealed with our seals and dated this.....
 day of..... A. D. 18.....

WHEREAS, the above named principal proposes to carry on the
 business of.....(and describing the place of business)....., at
, in the county of.....;

AND WHEREAS, The said principal has covenanted and agreed,
 and doth hereby covenant and agree as follows, to wit: That he
 will not directly or indirectly, by himself, his clerk, agent or ser-
 vant, at any time, sell, furnish, give, or deliver any spirituous,
 malt, brewed, fermented, or vinous liquor, any mixed liquor, or
 any mixture or compound, a part of which is spirituous, malt,
 brewed, fermented or vinous liquor to a minor nor to any adult
 person whatever, who is at the time intoxicated, nor to any person
 in the habit of getting intoxicated, nor to any Indian, or any per-
 son of Indian descent, nor to any person when forbidden in writ-
 ing so to do by the husband, wife, parent, child, guardian, or
 employer, of such person, or by the supervisor of the township,
 mayor of the city or director of the poor, or president, or trustee
 of any village, or superintendent of the poor of the county in
 which such person shall reside or temporarily remain, and that
 he will pay all damages, actual and exemplary, that may be ad-
 judged to any person or persons for injuries inflicted upon him or
 them, either in person or property, or means of support, or other-
 wise, by reason of his selling, furnishing, giving, or delivering
 any such liquors. Now the condition of this obligation is such

that if said principal shall well and truly keep and perform all and singular the foregoing covenants and agreements, and shall pay any judgment for actual or exemplary damages which may be recovered against him in any court of competent jurisdiction, and all fines and costs that may be imposed upon him for violations of this act, then this obligation shall be void and of no effect, otherwise the same shall be in full force and effect.

Signed and sealed in the presence of

-----[L. S.]
 -----[L. S.]
 -----[L. S.]

**Affidavit of
sureties, con-
tents of.**

There shall also be annexed to each bond required by this act an affidavit of each surety thereto, which affidavit shall state that the affiant is not engaged either as principal, agent or servant in the sale of any liquors mentioned in this act, that he is not a surety upon any other bond required by the provisions of this act, that he is a male resident and freeholder of the township, village, or city in which such bond is offered, and that he does not hold any elective or appointive office in any county, city, village, or township of this State, and that he is worth in real estate, situated within the county in which such business is proposed to be carried on, a sum equal to the amount of the bond over and above all indebtedness and exemptions from sale on executions, and if, in the judgment of the township board or [the] board of trustees, the council or common council of the village or city in which said business is proposed to be carried on, said sureties, or either of them, are not worth the full sum mentioned in said bond over and above all their liabilities and exemptions, or if the principal of said bond is known by said township board or the board of trustees, or common council of the village or city to be a person whose character and habits would render him or her an unfit person to conduct the business of selling liquor, they, the said township board or board of trustees, the council or common council of the village or city, as the case may be, shall refuse to endorse said bond with their approval. Such bond shall not be received by the county treasurer unless the approval thereof by the township board or the board of trustees, the council or common council of the village or city shall be duly certified thereon in writing, by the clerk or recording officer of such township, village or city, and the principal shall not be allowed to sell spirituous, malt, brewed, fermented, or vinous liquors in any other building or place than that specified in said bond, without giving notice and executing another bond in the manner above prescribed. A new bond shall be required by the county treasurer with whom such bond was originally filed, in case of the death, insolvency, or removal of either of the sureties, and in any other contingency that he shall determine requires it. And it shall not be lawful for any person to sell any of the liquors mentioned in sections one and two of this act, after being notified by the county treasurer to procure a new bond, until said bond shall have been executed, approved by the proper board, and filed with the county treasurer, and any sale made in violation of this section shall be a misdemeanor, and

**Approval of
bond.**

**When new bond
required.**

**Not lawful to
sell after notice
that new bond
is required, etc.**

shall be punished as provided in section six of this act; and in all actions brought upon said bond for damages by reason of the violation of any of the provisions thereof the plaintiff in such action shall, in the event of recovering a judgment of any amount, also recover his costs of suit. The notice herein provided for shall be served and returned by the sheriff of the county, who shall receive from the county for such services the same fees as are allowed by law for the service of original writs from the circuit court.

Notice, etc., by whom served.

SEC. 9. One-half of all moneys paid to any county treasurer under the provisions of this act, after deducting his fees as herein provided, shall be by him placed to the credit of the township, village or city from which the same was collected, and shall be by such county treasurer paid over, on demand, to the treasurer of such township, village or city to be applied as other general funds. The remainder of all moneys so received by any county treasurer shall be by him placed to the credit of the general fund of the county. The county treasurer shall receive and retain one per cent on all moneys paid to him as a recompense in full for all his services rendered under the provisions of this act: *Provided*, That in all counties in the Upper Peninsula all of the moneys paid to any county treasurer under the provisions of this act shall, after deducting his fees as aforesaid, be by him placed to the credit of the township, village or city from which the same was collected, and shall be by such county treasurer paid over on demand to the treasurer of such township, village or city to be applied as other general funds.

Disposition of moneys paid to county treasurers under this act.

Provided.

SEC. 10. It shall be the duty of every county treasurer, sheriff, deputy sheriff, police officer or other person having notice or knowledge of any violation of the provisions of this act, to immediately notify the prosecuting attorney of the county thereof, and it shall be the duty of such prosecuting attorney when complaint on oath is made forthwith to prosecute every person violating any of the provisions of this act, and for each and every violation thereof.

Duty of county treasurer, sheriff, etc., having notice of the violation of this act.

SEC. 11. It shall be the duty of each and every county treasurer, at the end of each and every month, to make a full and complete report, under oath, containing the name of each and every person in his county paying a tax during said month under the provisions of this act, stating therein the residence of such person, the nature of the business in which such persons are engaged, the place of doing business, the amount of tax paid and the date of payment of the same, and file such statement with the clerk of his county; and such county treasurer shall also, on the first Monday of December, in each year, make a full and complete report of all the facts, as shown by such reports, and return the same to the Auditor General, and publish the same in some newspaper published in his county, if there be one, and in two if there be two. The expense of such publication shall be paid out of the contingent fund of the county. All blanks required to carry into effect the provisions of this act shall be prepared and furnished

Report of county treasurer, as to persons paying tax.

annually by the Auditor General to the county treasurers, and by them to the township, village and city officers.

Penalty imposed on officers for neglect of duty under this act.

Provido.

SEC. 12. In case any assessor, county treasurer, prosecuting attorney or other officer whose duty it is to see that the provisions of this act are faithfully enforced, shall willfully neglect or refuse to perform his duty under the provisions of this act, he shall be liable to a penalty of one hundred dollars for each and every offense, and the Governor may, in case of such neglect or refusal, after summary hearing and determination thereon and deciding the same to have occurred, appoint such other person or persons to perform the duties of such officer prescribed by this act, who shall, upon being so appointed, have like powers and duties, and receive the same fees, under this act, as such assessor, treasurer, prosecuting attorney or other officer, as the case may be: *Provided*, That in case of the appointment of any person in place of the prosecuting attorney, to prosecute for violation of this act, in any county, the board of supervisors shall allow and pay to such prosecutor a reasonable compensation for all services performed and reimburse him for all expenses incurred by him as such prosecutor.

Unlawful to furnish liquor to minors, etc.

The fact of selling, furnishing, etc., evidence of intended violation of law.

SEC. 13. It shall not be lawful for any person, except a druggist, who shall be governed by section two of this act, to sell, furnish, or give any spirituous, malt, brewed, fermented, or vinous liquors, or any beverage, liquor, or liquids containing any spirituous, malt, brewed, fermented, or vinous liquor to any minor, to any intoxicated person, nor to any person in the habit of getting intoxicated, nor to any Indian, nor any person of Indian descent, nor to any person when forbidden in writing so to do by the husband, wife, parent, child, guardian or employer of such person, or by the supervisor of the township, mayor, or director of the poor, or the superintendent of the poor of the county where such person shall reside or temporarily remain. The fact of selling, giving, or furnishing any liquid in any place where intoxicating liquors are sold, or kept for sale, to any minor, or to any intoxicated person, or to any person in the habit of getting intoxicated, or to any Indian, or person of Indian descent, or to any person when forbidden in writing so to do by the husband, wife, parent, child, guardian, or employer of such person, or by the supervisor of the township, mayor, or director of the poor, or superintendent of the poor of the county where such person shall reside or temporarily remain, shall be *prima facie* evidence of an intent, on the part of the person so selling, giving, or furnishing such liquid, to violate the law.

Unlawful to permit certain persons to play at certain games, etc., where liquors are sold.

SEC. 14. It shall not be lawful for any person by himself, his clerk or agent, to permit any student in attendance at any public or private institution of learning in this State, or any minor, to play at cards, dice, billiards or any game of chance, in any part of any building, in which spirituous liquors or intoxicating drinks are sold; nor shall it be lawful for any person, by himself, his clerk or agent, to sell or give to any student in attendance at any public or private institution of learning in this State, any spirit-

nous or intoxicating drinks, except when prescribed by a regular physician for medicinal purposes; and any person who shall offend against either of the foregoing provisions of this section shall be deemed to have been guilty of a misdemeanor, and on conviction thereof shall be punished as provided in section seven of this act.

SEC. 15. It shall not be lawful for any person to allow any minor to visit or remain in any room where such liquors are sold or kept for sale unless accompanied by his or her father or other legal guardian.

Unlawful to allow minor to visit, etc., where liquors are sold, etc.

SEC. 16. It shall not be lawful for any person to sell, offer to sell, furnish, give or have in his possession any of the liquors mentioned in this act in any concert hall, variety show, theater, or other place of amusement, nor in any room in any building opening into where any such concert hall, variety show, theater, or other place of amusement may be.

Unlawful to sell, etc., in any concert hall, show, etc.

SEC. 17. All saloons, restaurants, bars, in taverns or elsewhere, and all other places, except drug stores, where any of the liquors mentioned in this act are sold, or kept for sale, either at wholesale or retail, shall be closed on the first day of the week, commonly called Sunday, on all election days, on all legal holidays, and until seven o'clock of the following morning, and on each week-day night from and after the hour of nine o'clock until seven o'clock of the morning of the succeeding day. And it shall be the duty of sheriffs, marshals, constables and police officers to close all saloons, houses or places that shall be found open in violation of the provisions of this section, and to report forthwith all such violations to the prosecuting attorney, whose duty it shall be to immediately prosecute for such violations. The word "closed" in this section shall be construed to apply to the back door or other entrance as well as to the front door. And in prosecutions under this section it shall not be necessary to prove that any liquor was sold: *Provided*, That in all cities and incorporated villages the common council or board of trustees, or council, may, by ordinance, allow the saloons and other places where said liquors shall be sold to open at six o'clock in the forenoon and to remain open not later than eleven o'clock in the afternoon and no longer of any week-day night, except on election days and holidays. Any person found in the act of violating any of the provisions of this section shall be deemed guilty of a breach of the peace and punished accordingly; and the arrest therefor may be without process, and this punishment shall be taken to be in excess of all other manner of punishment in this act provided for a violation of the provisions of this section. All officers authorized to make arrests for a breach of the peace shall have like power to make arrests under the provisions of this section as in other cases of a breach of the peace.

What days and hours saloons, etc., shall be closed.

Officers to close all saloons, etc., found open in violation of act.

Proviso.

Punishment for violating provisions of this section.

SEC. 18. Any person who shall violate any of the provisions of the five preceding sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section seven of this act.

Violation of any of the five preceding sections a misdemeanor.

Duty of justice of the peace, etc., on complaint being made.

Subpoena of persons intoxicated, etc.

Questions to be asked persons so subpoenaed, etc.

In case of refusal to answer, etc.

When justice or court to make record of testimony, etc.

Persons arrested, etc., where brought.

Proviso.

Proviso.

Additional penalties for selling, etc., liquors to minors.

SEC. 19. Whenever complaint shall be made by any person, on oath, before any justice of the peace in any county, or other officer or magistrate having jurisdiction, that any person is found intoxicated, or has been intoxicated in any hotel, store, public building, street, alley, highway, or other public place, it shall be the duty of such justice, municipal or police court to issue a subpoena to compel the attendance of such person so found intoxicated, or who has been intoxicated, as aforesaid, to appear before the justice or court issuing the same, to testify in regard to the person or persons of whom, and the time when, and the place where, and the manner in which the liquor producing his intoxication was procured; and if such person, when subpoenaed, shall neglect or refuse to obey such writ, the said justice or court who issued the same shall have the same power and authority to compel the attendance of the person so subpoenaed and to enforce obedience to such writ as in other civil cases. Whenever the person so subpoenaed shall appear before the justice, municipal or police court, to testify as aforesaid, he shall be required to answer, on oath, the following questions, to-wit: When, where and of whom did you procure, obtain, or receive the liquor or beverage, the drinking or using of which has contributed to the cause of the intoxication mentioned in the complaint? And if such person shall refuse to answer fully and fairly such questions, on oath, he shall be punished and dealt with in the same manner as for a contempt of court as in other cases. If it shall appear from the testimony of such person that any of the offenses specified in this act have been committed such justice or court before whom such testimony is given shall make a true record of the same and cause it to be subscribed by such witness; and the said testimony or answers, when subscribed as aforesaid, shall be deemed and taken to be sufficient complaint to authorize the issuing of a warrant to arrest any person or persons who may appear from said complaint to be guilty of having violated any of the provisions of this act. Any person arrested on a warrant issued pursuant to the provisions of this section shall be brought before the justice or court issuing the same, and all subsequent proceedings in such suit or prosecution shall be governed by and subject to the provisions of this act and the rules of law applicable thereto: *Provided*, That the person so testifying under the provisions of this section shall not be held or prosecuted for the intoxication concerning which such testimony shall be given: *And provided further*, That nothing herein contained shall be so construed as to prevent prosecuting persons for becoming drunk or intoxicated when the testimony of said person is not sought under the provisions of this section.

SEC. 20. Every person who shall by himself, or by any clerk, servant, agent or employé, sell, give or furnish, or cause to be sold, given or furnished, any intoxicating, spirituous, malt, brewed or fermented liquors, cider or wine, or any liquor or beverage, any part of which is intoxicating, spirituous, malt, brewed, or fermented, to any minor, and every person who shall

himself, or by his clerk, servant, agent or employé permit or allow any such liquor, cider, wine or beverage to be sold, furnished or given to, or to be drank by any such minor in his or her residence, store, shop, saloon, restaurant, bar-room, or place of business where such liquors or beverages are kept, furnished or sold, shall, in addition to all other penalties provided therefor by this act, be liable for both actual and exemplary damages therefor, to the father, mother, guardian or master, or any person standing in place of a parent to such minor, in such sum, not less than fifty dollars in each case, as the court or jury shall determine, except a druggist, upon the written request of a parent, guardian or master of such minor, or upon the written prescription and request of a regular practicing physician: *Provided*, That the physician making such prescription shall not be the druggist himself, nor a member of the firm of druggists selling such liquors, nor an employé of such druggist or firm. But if any druggist shall furnish, sell, or give to any such minor any such liquor more than once upon the same written prescription, or written request, he shall be liable in damages as aforesaid, and to the extent aforesaid, in each case. Every wife, child, parent, guardian, husband, or other person who shall be injured in person or property or means of support, or otherwise, by any intoxicated person, or by reason of the intoxication of any person, or by reason of the selling, giving, or furnishing any spirituous, intoxicating, fermented or malt liquors to any person, shall have a right of action in his or her own name against any person or persons who shall, by selling or giving any intoxicating or malt liquor, have caused or contributed to the intoxication of such person or persons, or who have caused or contributed to such injury, and the principal and sureties to the bond hereinbefore mentioned shall be liable severally and jointly with the person or persons so selling, giving, or furnishing any spirituous, intoxicating, or malt liquors as aforesaid, and in an action provided for in this section the plaintiff shall have a right to recover actual and exemplary damages. In case of the death of either party, the action and right of action given by this section shall survive to and against his executor or administrator. And in every action by any wife, husband, parent or child general reputation of the relation of husband and wife, parent and child shall be *prima facie* evidence of such relation, and the amount recovered by every wife or child shall be his or her sole and separate property. Any sale or gift of intoxicating or malt liquor by the lessee or occupant of any premises, resulting in damages, shall, at the option of the lessor, work a forfeiture of the lease, and the circuit court in chancery may enjoin the sale, giving away or furnishing of any intoxicating or malt liquors, by any lessee or occupant of the premises, which may result in loss or damage or liability to the lessor, or any person claiming under such lessor.

Proviso.

Who may have right of action, etc., for injury to person or property.

SEC. 21. The damages in all cases arising under this act, together with costs of suit, shall be recoverable in an action of trespass on the case before any court of competent jurisdiction.

Damages, etc., how recoverable.

And in any case where parents shall be entitled to such damages either the father or the mother may sue alone therefor. But recovery by one of said parties shall be a bar to a suit brought by the other.

Duty of village and city marshals, etc., to visit places where liquors are sold once in each week.

SEC. 22. It shall be the duty of village and city marshals, and, in cities having no marshal, of the chief of police, or some subordinate appointed by such chief, to visit, at least once in each week, all places within their respective jurisdictions where any of said liquors are sold or kept, to learn if any of the provisions of this act have been or are being violated; and whenever any of the officers above mentioned shall learn of a violation of any of the provisions of this act, it shall be his duty to enter complaint before some justice of the peace of the proper township or city, or police justice, as the case may be, and to do whatever shall be necessary to bring the offender to justice.

Security for costs not required when complaint is made.

SEC. 23. Whenever complaint shall be made to any justice of the peace, or police justice, of any violation of any of the provisions of this act he shall not require security for costs to be given, but shall take the complaint and examination of the witnesses as in other cases, and if the offense appears to have been committed he shall issue his warrant for the arrest of the offender, and shall notify the prosecuting attorney, whose duty it shall be to appear and prosecute the same.

All persons engaged in selling, etc., equally liable, etc.

SEC. 24. All persons engaged in the business of selling or keeping for sale any of the liquors mentioned in this act, whether as owner or as clerk, agent or servant or employé, shall be equally liable as principals for any violation of any of the provisions of this act, and any person or principal shall be liable for the acts of his clerk, servant, agent or employé for any violation of the provisions of this act.

Adulteration of liquors a misdemeanor, etc.

SEC. 25. If any person shall adulterate any spirituous or alcoholic liquors used or intended for drink by mixing the same in the manufacture or preparation thereof, or by process of rectifying, or otherwise, with any deleterious drug, substance, or liquid, which is poisonous or injurious to health, except as hereinafter provided, or if any person shall sell, or offer to sell, any wine, or spirituous, or alcoholic liquors, or shall import into this State any wine or spirituous or intoxicating liquors, and sell or offer for sale such liquors, knowing the same to be adulterated, or shall sell or offer to sell any spirituous or intoxicating liquors from any barrel, cask or other vessel containing the same, and not branded as hereinafter provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, nor less than fifty dollars, and shall be imprisoned in the jail of the county not more than six months nor less than ten days.

Name of company, etc., manufacturing liquors, etc., to be branded on barrel, etc.

SEC. 26. It shall be the duty of every person or persons engaged in the manufacture and sale of malt, spirituous or alcoholic liquors, or in rectifying or preparing the same in any way, to brand on each barrel, cask, or other vessel containing the same, the name or names of the person, company, or firm manufactur-

ing, rectifying, or preparing the same, and also these words, "Pure, and without drugs or poison."

SEC. 27. No person shall sell at wholesale or retail any ale, rum, wine, or other malt or spirituous liquors from any barrel, cask, or vessel unless the same shall have been branded and marked as aforesaid.

Sale of, etc., from barrel, etc., not branded unlawful.

SEC. 28. If any barrel, cask or other vessel containing any drugged or poisoned liquor shall be found in the possession of any wholesale or retail dealer in liquors, or in the possession of any person holding himself out as such a dealer, it shall be deemed *prima facie* evidence of the violation of the provisions of this act.

Absence of brand evidence of violation of act.

SEC. 29. Any person who shall put into any barrel, cask or other vessel, branded or marked as required by this act, any liquors drugged or adulterated as aforesaid, or who shall sell or offer for sale any such liquors, for the purpose and with the intent of deceiving any person in the sale thereof, or shall violate any of the provisions of sections twenty-six, twenty-seven, or twenty-eight of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section twenty-five of this act.

Putting into etc., barrel, etc. not marked, etc., a misdemeanor.

Punishment.

SEC. 30. The provisions of this act shall not be so construed as to prevent druggists, physicians, and persons engaged in the mechanical arts from compounding liquors for medicinal and mechanical purposes.

How provisions of act construed as to druggists, etc.

SEC. 31. During the time when by the provisions of this act places where liquor is sold or kept for sale must be closed, all curtains, screens, partitions and other things that obstruct the view from the sidewalk, street, alley or road in front of or at the side or end of said building, of the bar or place in said room where said liquors are sold or kept for sale, shall be removed. Any person who shall violate any of the provisions of this section, shall, upon conviction thereof, be punished as provided in section seven of this act.

All curtains, screens, etc., obstructing view from sidewalk, etc., to be removed.

SEC. 32. No person, firm or corporation who, prior to the time when this act shall take effect, has filed the bond and paid the tax provided by existing laws, shall be liable for any increased tax during the current year, or be compelled to file any new bond pertaining to the business then being carried on, unless for causes arising under the provisions of this act; and such persons, firms or corporations shall in all other respects be subject to the provisions of this act.

Who not liable for increased tax, etc.

SEC. 33. That for the better enforcement of the provisions of this act in that portion of the county of Wayne which forms the suburbs to the city of Detroit, the jurisdiction of the board of metropolitan police of said city is hereby extended over the townships of Springwells, Greenfield, Hamtramck and Grosse Point, in said county. And it shall be the duty of said board of metropolitan police to police said townships sufficiently strong to enable them to enforce the provisions of this act within the limits thereof. and for that purpose said board of metropolitan police are authorized to increase the police force under their control, to

Jurisdiction of board of metropolitan police extended over certain townships, etc.

mount said increase or any portion thereof, and are vested with the same authority as is now conferred upon them within the corporate limits of the said city of Detroit, and may use all or any portion of the force under their control. The police force so employed in said townships shall have and are hereby vested with the same powers to enforce the provisions of this act, and to preserve the peace, as is by general law conferred upon the constables therein. The expenses of maintaining such extra force of police in said townships shall be paid monthly by the county of Wayne out of the moneys paid into the treasury of said county under the provisions of this act, on duly certified vouchers therefor prepared and submitted by said board of metropolitan police to the board of county auditors of said county, who are hereby directed to audit and pay the same in the same manner as other claims for services against the county of Wayne are audited and paid.

Certain acts re-
pealed.

Proviso.

Sec. 34. All acts or parts of acts in any wise contravening or inconsistent with any of the provisions of this act are hereby repealed: *Provided, however,* That all suits or actions pending under any law in force at the date this act takes effect, whether on behalf of the people of this State or any person or persons, may be prosecuted to final judgment, and such judgment enforced in like manner and with the same effect as though this act were not passed; and all rights of action accrued to said people or any person or persons under any existing law are hereby preserved and saved and excepted from the operation and effect of this act, and the same may be prosecuted, sued for and recovered in like manner and to the same extent as might be done if this act were not passed: *And provided further,* That this act shall not be operative, except as to druggists, in any county in this State that shall have prohibited the manufacture and sale of the liquors mentioned in this act in any manner now or that shall be provided by law while such prohibition is in force.

Further
proviso.

Approved June 28, 1887.

[No. 314.]

AN ACT authorizing a prosecution for larceny committed in any railroad car while in this State, and *en route*, in any county through which said car passes.

SECTION 1. *The People of the State of Michigan enact,* That every person who shall commit the crime of larceny in a railroad car while in the State of Michigan, and *en route*, shall be liable to prosecution in any county through which said car passes, and any court of competent jurisdiction of said county shall have jurisdiction to try and determine said cause the same as though said offense had been committed in the county where the complaint is made.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 315.]

AN ACT to provide for the incorporation of central and local associations of growers of mint and other essential oil plants.

SECTION 1. *The People of the State of Michigan enact*, That central and local associations of mint and other essential oil plant growers in the State of Michigan may be incorporated under the provisions of this act. Associations may be incorporated.

SEC. 2. Any twenty or more persons residents of this State, and of lawful age, may, for the purpose of becoming incorporated as a central mint and other essential oil plant growers' coöperative association, make and execute articles of association under their hands and seals, which articles shall be acknowledged before some officer having authority to take the acknowledgments of deeds, and shall set forth: Who may incorporate a central association, and articles of.

First, The names of the persons so associating in the first instance, and their places of residence;

Second, The corporate name by which such association shall be known in the law, and the place which shall be deemed to be the place of its business office;

Third, The object and purpose of such corporation, which shall be for the purpose of coöperation and the protection of our interests in the cultivation, distillation and sale of peppermint and other essential oils;

Fourth, The period of the existence of the corporation, which shall not exceed thirty years;

SEC. 3. A copy of said articles of association, and of the certificate of acknowledgment thereof, with an affidavit thereto attached, showing the same to be true copies of said original articles, certificate, and affidavit, which affidavit so attached shall be made by one or more of the signers of said articles, shall be filed and recorded in the office of the Secretary of State; and thereupon the persons who shall have signed said articles of association, their associates and successors, including all members of the association, shall be a body politic and corporate, under and by the name expressed in such articles of association aforesaid, and shall have succession, and be capable of suing and being sued, of contracting and being contracted with, and of purchasing, receiving, and holding real and personal estate, by deed, gift, grant, or devise, and may have a common seal and may alter the same at pleasure, and shall have full power to give, grant, convey, lease, mortgage, sell, and dispose of any and all of such real and personal estate; but the income and proceeds of all such property and estate shall be devoted exclusively to the objects for which the corporation is formed, and the amount of real and personal estate owned by such corporation at any one time shall not exceed the sum of one hundred and fifty thousand dollars in value. When to become body corporate.

SEC. 4. Such corporation shall have power and authority to designate, elect, and appoint from its members such officers and agents, under such name and style as shall be in accordance with the constitution or by-laws (or both) of the corporation, and such Limit of estate to be held. Power, etc., of corporation.

corporation shall have authority to make all such rules and regulations and by-laws as may be necessary and convenient for the regulation, management and government of the affairs, business, property, and interests of the corporation, and such corporation may change the location of its business office whenever desirable.

Copy, etc., of
articles
evidence.

SEC. 5. A copy of the record of the articles of association of every such corporation formed as aforesaid, filed in the office of the Secretary of State, and certified by him under the seal of the State, shall be received in all courts and places as *prima facie* evidence of the existence and due incorporation of such corporation.

Incorporation of
branch associa-
tion.

SEC. 6. Any five or more persons of lawful age, residents of this State, who are engaged in the cultivation of peppermint or other essential oil plants, and who are duly organized under the constitution and by-laws and by direction of a central association, may make and execute articles of association, specifying therein, as provided in section two of this act, and acknowledge the same as specified in said section two, and file a copy of such articles in the office of the county clerk in the county where the business office of the association is located, and the same shall be recorded by such county clerk, and thereupon the persons who shall have signed such articles of association, together with their associates and successors who shall sign such articles, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and by that name may sue and be sued, contract and be contracted with, and may have a common seal, which must conform to that of the central association to which it is joined, and may purchase, take, receive, own, and hold real and personal estate, and grant, sell, mortgage, lease and convey at pleasure.

Limit of estate
to be held by
branch.

But every such corporation shall be limited as to the amount of estate which it may hold, and the disposition to be made thereof, and of the income and proceeds therefrom, by the provisions of section four of this act and a copy of the record of the articles of association, and of the charter thereto attached, certified by the county clerk under the seal of the county where such record is kept, shall be received in all courts and places in this State as *prima facie* evidence of the existence and due incorporation of every local or branch association incorporated under this section.

Power, etc., of
branch associa-
tion.

SEC. 7. Every local or branch association incorporated under this act shall have power and authority to designate, elect, or appoint from its members such officers under such name and style as shall be in accordance with the constitution and by-laws of the central association to which it is joined, and shall also have authority to make all such by-laws, rules and regulations not repugnant to the laws of the United States or of this State, nor repugnant to the constitution and by-laws of the central association of which it is a part, as may be necessary and convenient for the regulation, management, and government of the affairs, business, property, and interests of the corporation; and may change the location of its business office whenever expedient, but notice of such change shall be filed and recorded in the office of the county

Change of loca-
tion of office of.

clerk where the record of its articles of association are kept; and every corporation organized under this act may, for the purpose of effecting the objects and purposes of the corporation, create a capital stock, and divide the same into convenient shares, and make all such rules and regulations in respect to the same as may be expedient. Capital stock.

SEC. 8. All corporations formed under this act shall in all things not herein otherwise provided be subject to the provisions of chapter one hundred and ninety-one of Howell's Annotated Statutes so far as the same may be applicable to corporations formed under this act. How governed.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 316.]

AN ACT to provide for the construction of a State road bridge across Black River, in the township of Grant, in St. Clair county, and to appropriate State swamp land, the proceeds of which to be used for the construction of said bridge.

SECTION 1. *The People of the State of Michigan enact*, That the Board of Control of State Swamp Lands be and are hereby authorized to appropriate five sections of State swamp land, or so much thereof as may be necessary, for the purpose of constructing a State road bridge across Black River, in the township of Grant, in St. Clair county in this State: *Provided*, That said bridge shall be constructed, and said expenditure made in pursuance of the provisions of law relative to the construction of swamp land State roads, under the supervision of the said Board of Control of State Swamp Lands. Board of Control of Swamp Land to appropriate land.
Provide.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 317.]

AN ACT to provide for the straightening, opening, deepening and widening Little Sturgeon Creek, in Midland county, and making an appropriation of State swamp lands for same.

SECTION 1. *The People of the State of Michigan enact*, That the Board of Control of State Swamp Lands be and the same are hereby authorized and empowered to appropriate not to exceed one section of State swamp land per mile for the straightening, opening, deepening and widening Little Sturgeon Creek, in Midland county, commencing at or near the center of section thirty-five, town fifteen north, of range one east, and following the meandering of said stream to a point where it empties into the Tittabawassee river, the same being a distance of four miles or thereabouts. Board of Control of State Swamp Lands authorized to appropriate.

Board to have
charge of work,
etc.

SEC. 2. The board of control are hereby authorized to cause an examination of said improvement, as hereinbefore set forth, and if, in their judgment, after such examination, the said improvement is necessary, such board is hereby empowered to cause the same to be made, and to appropriate not to exceed one section per mile of State swamp lands therefor, as contemplated by section one of this act.

[This act is ordered to take immediate effect.]

Approved June 28, 1887.

JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION asking our Senators and Representatives in Congress to vote for and use their influence to secure the passage of the "Miller Bill" (so called), relative to contagious diseases among cattle, now pending in Congress.

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to vote for and use their influence to secure the passage of the "Miller Bill" (so called), being "a bill to extirpate contagious pleuro-pneumonia, foot and mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live stock, and for other purposes," now pending in the Congress of the United States.

Resolved, That His Excellency, the Governor, be requested to transmit copies of the foregoing resolution to each of our Senators and Representatives in Congress.

Ordered to take immediate effect.

Approved January 19, 1887.

[No. 2.]

JOINT RESOLUTION relative to the payment of the salary which would have been drawn by the Hon. Ovid N. Case, deceased, as a member of the House of Representatives from the first district of Wayne county.

Resolved by the Senate and House of Representatives of the State of Michigan, That the salary to which the Hon. Ovid N. Case, a member elect to the House of Representatives from the first district in the county of Wayne, and who has died since his election, shall be paid by the clerk of the House of Representatives to his widow, Mrs. Ovid N. Case, and the vouchers therefor may be signed by said widow, or by some person duly authorized by her.

Ordered to take immediate effect.

Approved January 26, 1887.

[No. 3.]

JOINT RESOLUTION proposing an amendment to article four of the constitution of this State relative to the liquor traffic.

Resolved by the Senate and House of Representatives of the State of Michigan, That there shall be submitted to the electors of this State, for their approval or rejection, the following amendment to the constitution of this State, to stand as section forty-nine of article four:

SEC. 49. The manufacture, gift, or sale of spirituous, malt, or vinous liquors in this State, except for medicinal, mechanical, chemical, or scientific purposes, is prohibited, and no property rights in such spirituous, malt or vinous liquors shall be deemed to exist, except the right to manufacture or sell for medicinal, mechanical, chemical, or scientific purposes under such restrictions and regulations as may be provided by law. The legislature shall enact laws with suitable penalties for the suppression of the manufacture, sale, and keeping for sale or gift of intoxicating liquors except as herein specified; be it further

Resolved, That the said proposition shall be submitted to the electors of this State at the next spring election, to take place on the first Monday in April, A. D. eighteen hundred and eighty-seven, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State in the same manner that he is now required to do in the case of the election of justices of the supreme court and regents of the University, and the several townships and cities in this State shall prepare suitable boxes for the reception of ballots cast for or against said proposition. Each person voting for said proposition shall have written or printed, or partly written and partly printed, on his ballot the words: "Amendment to the constitution relative to prohibition of the manufacture, gift or sale of spirituous, malt, or vinous liquors and the right of property therein—Yes;" and each person voting against said proposition shall have written or printed, or partly written and partly printed, on his ballot the words: "Amendment to the constitution relative to the prohibition of the manufacture, gift or sale of spirituous, malt, or vinous liquors and the right of property therein—No." The ballots shall in all respects be canvassed and returns made as in the election of justices of the supreme court and regents of the University.

Ordered to take immediate effect.

Approved January 28, 1887.

[No 4.]

JOINT RESOLUTION requesting Congress of the United States to remove the arrears of pension limit and to pension survivors of rebel prisons and soldiers and sailors who are disabled and dependent, or who are sixty-two years of age.

WHEREAS, The arrears of pension act passed by the Congress of the United States in the year eighteen hundred and seventy-nine provides that all pensions granted on application, filed on or after July first, eighteen hundred and eighty, shall commence from the date of filing such application; and

WHEREAS, Many brave and disabled soldiers were denied arrears under this act and without any cause for this exclusion; and

WHEREAS, Pensions granted should be commensurate with the period of disability without regard to the time of filing such application; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Congress of the United States be requested to repeal so much of the pension laws of eighteen hundred and seventy-nine as relates to the arrears limit, and that the act be so amended as to remove the limit altogether; and further, that the laws be so amended as to grant pensions to survivors of rebel prisons, without asking proof that disability was due to imprisonment, and to pension all honorably discharged soldiers and sailors now disabled and self-dependent, or who are sixty-two years of age, or who may hereafter become disabled and self-dependent, or arrive at the age of sixty-two years; and be it further

Resolved, That we indorse the recommendations of the national pension committee of the Grand Army of the Republic.

Resolved, That the Governor be requested to forward copies of this resolution to our Representatives in the Congress of the United States.

Ordered to take immediate effect.

Approved February 4, 1887.

[No. 5.]

JOINT RESOLUTION proposing an amendment to section one, article nine, of the constitution of this State, relative to the salaries of State officers.

Resolved by the Senate and House of Representatives of the State of Michigan, That an amendment to section one, of article nine, of the constitution of this State be and the same is hereby proposed to read as follows:

SECTION 1. The judges of the circuit courts shall receive an annual salary of twenty-five hundred dollars; the Governor an annual salary of five thousand dollars; the State Treasurer an annual salary of twenty-five hundred dollars; the Secretary of State an annual salary of twenty-five hundred dollars; the Commissioner of the Land Office an annual salary of twenty-five hundred dollars; the Attorney General an annual salary of three thousand dollars; the Superintendent of Public Instruction an annual salary of twenty-five hundred dollars, payable in the same manner as that in which such salaries have heretofore been paid.

Be it further resolved, That said amendment shall be submitted to the people of this State at the next spring election, on the first Monday of April in the year one thousand eight hundred and eighty-seven, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties in this State of at least forty days prior to said election, and the said sheriffs are required to give the several notices required by law, and the several townships and cities in this State shall prepare suitable boxes for the reception of ballots cast for or against said amendment. Each person voting for said amendment shall have written or printed on his ballot, or partly written, the words: "Amendment to the constitution relative to salaries of

State officers—Yes;” and each person voting against said amendment shall have on his ballot in like manner: “Amendment to the constitution relative to salaries of State officers—No.” The ballots shall in all respects be canvassed and returns made as in a general election of State officers.

Ordered to take immediate effect.

Approved February 17, 1887.

[No. 6.]

SENATE JOINT RESOLUTION to provide for deficiency in amount appropriated by joint resolution number fifteen, public acts, session of eighteen hundred and eighty-five, for alphabetically indexing the names of all soldiers from this State in the late war found upon the records of the Adjutant General's office.

WHEREAS, Joint resolution number fifteen, session of eighteen hundred and eighty-five, made provision for an expenditure of not to exceed five hundred dollars to be expended in indexing the names of all soldiers enlisting from this State into the service of the United States in the war of the rebellion as found upon the records on file in the office of the Adjutant General;

AND WHEREAS, It has been found necessary to expend clerical labor to the amount of two hundred dollars in excess of the original appropriation for the completion of said work; therefore,

Resolved, That the Board of State Auditors be and it is hereby authorized and required to audit and allow on the certificate of the Adjutant General the sum of two hundred dollars in addition to the five hundred dollars already allowed for the purpose of providing for the deficiency above named, and when so audited and allowed the Auditor General shall draw his warrant for the same upon the State Treasurer, who shall pay such warrant out of any money in the general fund not otherwise appropriated.

Ordered to take immediate effect.

Approved February 17, 1887.

[No. 7.]

JOINT RESOLUTION.

Resolved by the Senate and House of Representatives of the State of Michigan, That the sum of four thousand dollars be and the same is hereby appropriated out of the general fund of the State for the relief of the Lyons flood sufferers, and for the removal of ice gorges in the Grand River at Lyons, as follows, viz.: The sum of three thousand dollars for the relief of the needy at Lyons, and the sum of one thousand dollars, or so much thereof as may be necessary for the removal of said ice gorges; the same to be paid over to Joseph F. Baker, treasurer of the local relief committee at Lyons.

And be it further resolved, That the Auditor General be and he is hereby authorized and required to draw his warrant on the State Treasurer for the

amounts herein above appropriated, payable to the said Joseph F. Baker, and the State Treasurer is hereby authorized and required to pay the said sums on presentation of said warrants.

And be it further resolved, That the Auditor General be and he is hereby authorized and directed to add to and incorporate in the State tax for the year eighteen hundred and eighty-seven the sum of four thousand dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which, when collected, shall be passed to the credit of the general fund to reimburse it for the sum appropriated by the foregoing resolution.

Ordered to take immediate effect.

Approved February 19, 1887.

[No. 8.]

JOINT RESOLUTION authorizing the issuing of a certificate to Myron H. Fillmore for certain Agricultural College lands in Cheboygan county, Michigan.

WHEREAS, Myron H. Fillmore, of Otsego county, Michigan, has made satisfactory proof that he was the owner and holder of a certificate for the purchase of the southwest quarter of section eight in town thirty-three [north], of range number two west, the same being Agricultural College lands, and has paid thereon the sum of one hundred and twenty dollars;

AND WHEREAS, Said certificate has by mistake and inadvertence become forfeited to the State, and since said forfeiture the State has disposed of one-half of said land for the sum of five dollars per acre and still holds the west half of said described lands; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the Land Office be and is hereby authorized to sign and cause to be issued to said Myron H. Fillmore a certificate of purchase for the west half of the southwest quarter of section eight, town thirty-three north, of range two west, for the sum of two hundred and forty dollars upon said Fillmore's paying one-half of the purchase price, viz., (\$120.00) one hundred and twenty dollars and all taxes assessed on said last described land.

Ordered to take immediate effect.

Approved February 19, 1887.

[No. 9.]

JOINT RESOLUTION requesting our Senators and Representatives in Congress to procure the passage of a law "to adjust certain accounts between the United States and the several States and Territories and the District of Columbia," as set forth in House bill number two thousand seven hundred and seventy-six, and dated January seventh, eighteen hundred and eighty-six.

WHEREAS, On January seventh, eighteen hundred and eighty-six, Hon. W. T. Price, of Wisconsin, introduced in the House, House bill number two

thousand seven hundred and seventy-six, which was referred to the House committee on judiciary; and on May twenty-fourth, eighteen hundred and eighty-six, Hon. Wade Hampton, of South Carolina, introduced in the Senate an amendment to Senate bill "to adjust certain accounts between the United States and Territories and the District of Columbia:"

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Treasury to credit to each State and Territory of the United States and the District of Columbia a sum equal to all collections made from said States and Territories and the District of Columbia under the act of Congress approved August fifth, eighteen hundred and sixty-one, and the amendatory acts thereto, with such additional credits as under said act they are entitled to have in consequence of having paid any portion thereof without expense of collection to the United States; and such sums also as have been collected from lands or owners thereof under supplemental acts on any account whatever.

"SEC. 2. That all moneys still due to the United States on the quota of direct tax apportioned by section eight of the act of Congress approved August fifth, eighteen hundred and sixty-one, are hereby remitted and relinquished.

"SEC. 3. That there is hereby appropriated out of any money in the Treasury not otherwise appropriated such sums as may be necessary to reimburse each under the provisions of this act, and the Treasurer of the United States is hereby directed to pay the same: *Provided*, That when the same, or any part thereof, credited to any State, Territory, or the District of Columbia have been collected from any citizen thereof, either directly or by sale, re-sale or lease of property, such sums shall be held in trust by such State, Territory or District of Columbia for the benefit of those of its citizens from whom it was collected, or their legal representatives."

WHEREAS, The foregoing bill provides that the Secretary of the Treasury shall credit each State with the amount of money assessed against it for direct taxes under the act of August fifth, eighteen hundred and sixty-one;

WHEREAS, The effect of the passage by Congress of said bill will be to refund to those States which have paid the amounts of such assessments to the extent of the sums by them so paid, and to release those States which have not paid from hereafter paying all said taxes, and also from all future liability to pay the same. Whilst the right of the general government to raise revenue by direct taxation is unquestioned, it is patent that this direct tax was in the nature of an enforced loan, and it was made in this form only because it was required to meet the great exigency then upon the country; and

WHEREAS, Several of the States now owe the general government from a quarter to a half million dollars each on account of this direct tax, while others have paid their full quota; therefore,

Be it resolved by the Senate and House of Representatives, That our Senators and Representatives in Congress be requested to urge the passage of the bill hereinbefore referred to, and use their best endeavors to secure to the State the amount paid to the United States by this forced tax.

Resolved, That a copy of this resolution be forwarded to each of the Senators and Representatives by the Governor of Michigan.

Ordered to take immediate effect.

Approved February 19, 1887.

[No. 10.]

JOINT RESOLUTION to amend section six of article six of the constitution of the State of Michigan, relative to circuit courts.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this State be and the same is hereby proposed, that is to say, that section six of article six of said constitution be amended so as to read as follows:

SECTION 6. The State shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. The legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated. And the circuit judge or judges of said circuits, in addition to the salary provided by this constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the boards of supervisors of said counties.

Be it further resolved, That said amendment shall be submitted to the people of this State at the spring election, to be held on the first Monday in April, eighteen hundred and eighty-seven, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State at least thirty days prior to the said election, and the said sheriffs are required to give the several notices required by law in the same manner that they are now required to give in the case of an election of judges of the supreme court; and the inspectors of election in the several townships and wards of this State shall prepare a suitable box for the reception of ballots cast for or against said amendment. Each person voting for said amendment of section six, article six, shall have written or printed, or partly written and partly printed on his ballot the words: "Amendment relative to judicial circuits—Yes;" and each person voting against said amendment shall have written or printed, or partly written and partly printed on his ballot the words: "Amendment relative to judicial circuits—No." The ballots in all respects shall be canvassed and returns made as in electing judges of the supreme court.

Ordered to take immediate effect.

Approved March 1, 1887.

[No. 11.]

JOINT RESOLUTION to amend section six of article six of the constitution of the State of Michigan, relative to circuit courts.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this State be and the same is hereby proposed, that is to say, that section six of article six of said constitution be amended so as to read as follows:

SECTION 6. The State shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his

office for the term of six years, and until his successor is elected and qualified. The legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated. And the circuit judge or judges of said circuits, in addition to the salary provided by this constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the boards of supervisors of said counties. And the board of supervisors of each county in the Upper Peninsula is hereby authorized and empowered to give and pay to the circuit judge of the judicial circuit to which such county is attached such additional salary or compensation as may from time to time be fixed and determined by such board of supervisors.

Be it further resolved, That said amendment shall be submitted to the people of this State at the general election to be held in the fall of the year eighteen hundred and eighty-eight, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State at least sixty days prior to the said election, and the said sheriffs are required to give the several notices required by law in the same manner that they are now required to give in the case of an election of judges of the supreme court; and the inspectors of election in the several townships and wards of this State shall prepare a suitable box for the reception of ballots cast for or against said amendment. Each person voting for said amendment of section six, article six, shall have written or printed, or partly written and partly printed on his ballot the words: "Amendment relative to judicial circuits—Yes;" and each person voting against said amendment shall have written or printed, or partly written and partly printed on his ballot the words: "Amendment relative to judicial circuits—No." The ballots in all respects shall be canvassed and returns made as in electing judges of the supreme court.

Be it further resolved, That joint resolution number ten of the present legislature submitting an amendment to section six of article six of the constitution of the State of Michigan, relative to circuit courts, approved March first, eighteen hundred and eighty-seven, be and the same is hereby repealed, and the Secretary of State is hereby authorized and directed to recall the notices of submission required by said joint resolution.

Ordered to take immediate effect.

Approved March 15, 1887.

[No. 12.]

JOINT RESOLUTION authorizing the trustees of the First Presbyterian Church of Lansing to convey certain real estate in the city of Lansing.

WHEREAS, The First Presbyterian Church of Lansing has decided to change the site of its church edifice, and to sell and dispose of the site heretofore used; now, therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the trustees of said church be and hereby are authorized and empowered to sell and dispose of lots one and two of block eighty-two, of the city of Lansing, when directed so to do by a vote of said church and society,

and on such sale to convey the title to said lots by good and sufficient deed or deeds.

Ordered to take immediate effect.

Approved March 16, 1887.

[No. 13.]

JOINT RESOLUTION authorizing the issuing of a patent to Frederick Durand for certain lands in the county of Arenac, granted to him by settler's license number nine thousand seven hundred and forty-six, in accordance with act number one hundred and eight of the session laws of eighteen hundred and sixty one, approved March seventh, eighteen hundred and sixty-one.

WHEREAS, Frederick Durand, of the township of Au Gres, Arenac county, has made satisfactory proof that he is the undisputed holder and owner of settler's license number nine thousand seven hundred and forty-six for the west half of the northeast quarter of section thirty-six, in town nineteen north, of range six east, containing eighty acres of land in said township of Au Gres, county of Arenac, and State of Michigan, which said certificate was on the twenty-third day of March, one thousand eight hundred and eighty, issued by the Commissioner of the State Land Office to said Frederick Durand, who has made proof of the full payment to the State of all money due thereon, and proof required under act number one hundred and eight, approved March seventh, eighteen hundred and sixty-one, and is now and has been in possession of said land since said twenty-third day of March, one thousand eight hundred and eighty, and has made valuable improvements on said land;

AND WHEREAS, The said Frederick Durand is equitably entitled to have a patent issued to him for said land on said certificate, but the Commissioner of the Land Office refused to do so for the reason it did not satisfactorily appear to said Commissioner by the proofs offered by said Durand that he had resided upon said land the full period of time required by law;

AND WHEREAS, It appears by the said proofs offered by the said Durand, and now on file in the office of said Commissioner, that said land is low and was subject to overflow by the waters of the Saginaw Bay during a great portion of the time it has been held and occupied by said Durand, rendering it unhealthy and unfit for habitation;

AND WHEREAS, The said Durand has, as appears by said proofs, constructed at great expense and labor a large amount of valuable and useful drains through said land, and built and constructed roads connecting said land with the neighboring settlement, and cleared up more than fifty acres of said land and built two houses thereon, one of which was destroyed by forest fires;

Therefore, resolved by the Senate and House of Representatives of the State of Michigan, That the Governor be and he is hereby authorized to sign and cause to be issued to said Frederick Durand a patent for the land described in said certificate.

Ordered to take immediate effect.

Approved March 16, 1887.

[No. 14.]

JOINT RESOLUTION authorizing the Governor to issue a patent to Frances F. Howell for the northwest quarter of the southeast quarter, and the northeast quarter of the southeast quarter of section number sixteen (16), in township number one (1) south, of range number seven (7) west, the same being primary school land.

Whereas, Frances F. Howell, of Battle Creek, in Calhoun county, and State of Michigan, has made satisfactory proof that she is the undisputed holder and owner of primary school land certificates of the State of Michigan, numbered three thousand and thirty-eight and six hundred and ten B, for the northwest quarter of the southeast quarter, and the northeast quarter of the southeast quarter of section number sixteen (16), in township number one (1) south, of range number seven (7) west, in the State of Michigan. That by the proofs said certificate number three thousand and thirty-eight was issued on the ninth day of September in the year of our Lord eighteen hundred and fifty to George P. Rugg, who, in March, eighteen hundred and fifty-one, assigned the same, by written assignment, duly witnessed and acknowledged, to Lorenzo C. Holton (which said assignment was subsequently lost), and that said Holton, on the seventeenth day of October, in the year of our Lord eighteen hundred and fifty-three, duly assigned the same to Solomon S. Hicks; that said certificate, number six hundred and ten B, was issued by the State of Michigan on the twelfth day of November, eighteen hundred and thirty-eight, to Samuel Lewis, and on the fifth day of October, eighteen hundred and forty-three, assigned by Tammy Lewis, administratrix of the estate of Samuel Lewis, deceased, to Jessie Fifield, the same being defective for the want of two witnesses; that the consideration was an exchange of real estate, and that the purchaser went into possession under the assignment, and said estate took possession of the land taken in exchange; that on the nineteenth day of May, eighteen hundred and forty-four, said Jessie Fifield, by a written assignment, not acknowledged or witnessed, assigned said certificate in trust for Sarah L. Hurd, and in September, eighteen hundred and forty-six, Sarah L. Hurd, by Philo Hurd and S. E. Lefferts, by written assignment, not acknowledged, and with but one witness, assigned the lands described in said certificate to William Hicks, reserving the water power upon said land, together with the right of digging a race through the same and entering in upon said land at all times for the purpose of repairing said race, reserving also at all times the right of way along said race for a road, also the privilege of raising a sufficient dam and flowing sufficient land for said water power; that on the ninth day of July, eighteen hundred and fifty-two, the said William Hicks, by written assignment duly witnessed but not acknowledged, assigned said certificate to his son, Solomon S. Hicks; that on the twelfth day of March, eighteen hundred and eighty, the said Solomon S. Hicks by written assignment duly executed, assigned said certificates, number three thousand and thirty-eight and six hundred and ten B, to Jonathan Iden, now deceased, who was in possession of the land mentioned therein at the time of his death; and on the twenty-third day of February, in the year of our Lord eighteen hundred and eighty, by decree of the probate court for the county of Calhoun, the same was assigned to Henry Iden, Andrew Iden, Matilda Petit, Myra Iden and Martie Iden, children of Jonathan Iden, deceased; and that afterwards the said Henry Iden, Andrew Iden, Matilda

Petit and Martie Iden conveyed their title in the lands described in said certificate to Frances F. Howell; and said Myra Iden, by guardian, on the thirtieth day of April, eighteen hundred and eighty-six, conveyed her title in the same to Henry Iden, and Henry Iden conveyed the same to Frances F. Howell. And it appearing that Solomon S. Hicks, Jonathan Iden and Henry Iden, under whom the said Frances F. Howell claims to hold, have been in undisputed possession of said premises for upwards of thirty years, and that they have paid the State the full amount due upon said certificates; therefore,

Resolved, That the Governor of the State be and is hereby authorized to sign and cause to be issued to Frances F. Howell a patent for the land described in said certificates whenever the same shall be presented to him, with the certificate of the Commissioner of the State Land Office, that the principal and interest and all taxes and charges levied against said land have been paid.

Ordered to take immediate effect.

Approved March 17, 1887.

[No. 15.]

JOINT RESOLUTION authorizing the issuing of a patent to Frederick W. Higgins, of the county of Wayne, upon Agricultural College lands described as the southwest quarter of the northeast quarter, and southeast quarter of the northeast quarter of section number twenty, town twenty-six north, of range fourteen west, in the State of Michigan.

WHEREAS, Frederick W. Higgins, of the city of Detroit, Wayne county, is the rightful owner and holder of Agricultural College land certificates numbers eight hundred and nineteen and fourteen hundred and thirty-two, covering the southwest quarter of the northeast quarter, and the southeast quarter of the northeast quarter of section twenty, town twenty-six north, of range fourteen west, and is and has been in lawful possession of said lands since the date of the issuing of said certificates by the Commissioner of the State Land Office;

AND WHEREAS, Said certificates have been wholly lost or destroyed;

AND WHEREAS, By reason of the aforesaid loss or destruction no patents for said lands can be issued to the said Frederick W. Higgins; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of this State be and he is hereby authorized to sign and cause to be issued to the said Frederick W. Higgins a patent for the lands described in said certificates, being southwest quarter of the northeast quarter, and the southeast quarter of the northeast quarter of section twenty, in town twenty-six north, of range fourteen west, whenever the said Frederick W. Higgins shall present to him the certificate of the Commissioner of the State Land Office that the principal and interest and all charges and taxes levied upon said lands have been paid: *And provided further*, That said Frederick W. Higgins shall present to the Governor sufficient evidence, by affidavit or otherwise, that said certificates have been lost or destroyed without his fault or connivance, and that he has not in any way conveyed or encumbered the lands covered by these certificates.

Ordered to take immediate effect.

Approved March 21, 1887.

[No. 16.]

JOINT RESOLUTION authorizing and instructing the Secretary of State to furnish the Commissioner of Railroads with certified copies of the articles of association and other papers connected with the corporate organization of railroads, and filed in the office of the said Secretary of State, under the provisions of general railroad laws.

WHEREAS, It is essential to the proper and efficient transaction of the business of his office that the Commissioner of Railroads should have in his custody for purposes of ready access and information complete files of all papers affecting the corporate status of the several railroad companies organized under the general laws of the State, the provisions of which it is the duty of said Commissioner of Railroads to have enforced; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he hereby is authorized and instructed, as soon as practicable after the passage of this joint resolution, to certify to the Commissioner of Railroads copies of all articles of associations and amendments of the same, agreements for consolidation, and other papers in any manner affecting the corporate status of railroad companies heretofore filed in the office of the said Secretary of State under the requirements of any general law of the State heretofore or now in force; and in like manner to certify to said Commissioner of Railroads copies of any articles of association, amendments or agreements for consolidation or other papers as above recited that may be hereafter filed in the office of said Secretary of State within five days after such documents shall be filed: *Provided,* That the provisions of this joint resolution can be carried into effect by the Secretary of State without increasing the clerical force in his office.

Approved April 18, 1887.

[No. 17.]

SENATE JOINT RESOLUTION to authorize and instruct the Board of State Auditors to examine into, and if they deem it justifiable, to allow the claim of Alphonzo Button for injuries sustained by him from a premature discharge of a cannon while engaged in the regular performance of his duty as a member of the gun squad of the Curtenius Guard (an organized volunteer uniformed militia company organized under the laws of the State of Michigan), at Mason, Michigan, on the third day of July, eighteen hundred and fifty-eight.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby authorized and instructed to examine into, and if they deem it justifiable, to allow the claim of Alphonzo Button for injuries sustained by him from a premature discharge of a cannon while engaged in the regular performance of his duty as a member of the Curtenius Guards (an organized volunteer uniformed militia company organized under the laws of the State of Michigan), at Mason, Michigan, on the third day of July, eighteen hundred and fifty-eight, at a sum not to exceed three thousand dollars (\$3,000).

Resolved further, That when said board shall have ascertained and fixed the amount of compensation to be paid they shall draw their order upon the State Treasurer for said amount, payable to the order of said Alphonzo Button, and it shall be the duty of said State Treasurer, upon the presentation of such order, duly signed by the chairman of the Board of State Auditors and countersigned by the secretary of such board, to pay the same out of any moneys not otherwise appropriated.

Ordered to take immediate effect.

Approved May 24, 1887.

[No. 18.]

JOINT RESOLUTION authorizing certain "Ottawa county scrip" to be used in locating swamplands in any of the counties of the Lower Peninsula.

WHEREAS, Under the provisions of "An act to provide for the laying out and establishing a State road from Ferrysburg, in Ottawa county, to the mouth of Black Creek, in the county of Muskegon, and to appropriate swamp lands to aid in the construction thereof," approved March twenty-one, eighteen hundred and sixty-five, the Board of Control of State Swamp Lands entered into a contract with William M. Ferry for the construction of the road therein provided for; and

WHEREAS, The said road was duly completed and accepted under the terms of said contract, and the proper credit given therefor on the books of the State land office; and

WHEREAS, Under the terms of said act a part of the compensation for the building of said road was to be in State swamp lands in the county of Ottawa; and

WHEREAS, Before the completion of said road the State swamp lands in Ottawa county had been sold or otherwise disposed of, and there are now no vacant State swamp lands in said county; and

WHEREAS, There is yet due on said [contract to the said] contractor, as appears from the said records of the State land office, the sum of nine hundred and [ninety] eight dollars and eighty-eight cents, being seven hundred and ninety-nine acres and ten hundredths of an acre of State swamp lands; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That Edward P. Ferry, executor of the last will and testament of William M. Ferry, deceased, or his assigns, be and they are hereby authorized to select the said amount of seven hundred and ninety-nine and ten one-hundredths acres from any State swamp land in the Lower Peninsula not otherwise appropriated, and that upon filing the lists of lands so selected with the Commissioner of the State Land Office, that he cause patents to be issued therefor: *Provided*, That all State swamp lands located in Ottawa county shall first be selected.

Approved June 13, 1887.

[No. 19.]

JOINT RESOLUTION directing the Board of State Auditors to settle a claim of the Northwestern Manufacturing Company of the city of Detroit, Wayne county, against the State of Michigan for damages sustained by reason of the passage of act number one hundred and eighty-six of the public acts of eighteen hundred and eighty-five, entitled "An act to prevent deception in the manufacture and sale of dairy products and to preserve the public health."

WHEREAS, The Northwestern Manufacturing Company, a corporation of this State, was engaged in the business of manufacturing butterine and oleomargarine at the city of Detroit in this State at the time of the passage of act number one hundred and eighty-six of the public acts of eighteen hundred and eighty-five, entitled "An act to prevent deception in the manufacture and sale of dairy products and to preserve the public health;" and

WHEREAS, It appears that under the provisions of said act the sheriff of the county of Wayne seized and condemned the property of said corporation under the provisions of said act number one hundred and eighty-six; and

WHEREAS, The supreme court declared said act number one hundred and eighty-six unconstitutional and void; and

WHEREAS, By reason of the premises, said corporation claims it was damaged and became insolvent, and thus has a claim against the State; be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby authorized to investigate and examine said claim and determine as to the same, and what amount, if anything, is justly and equitably due and owing to said Northwestern Manufacturing Company, or should, in justice and equity, be paid to the said Northwestern Manufacturing Company therefor; and said board is hereby authorized and empowered to settle and adjust such claim, and to allow said Northwestern Manufacturing Company such sum as they shall find justly and equitably due it, or to which it may be justly and equitably entitled.

Ordered to take immediate effect.

Approved June 17, 1887.

[No. 20.]

SENATE JOINT RESOLUTION for the relief of Livonia B. Perrine.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby authorized and directed to draw his warrant on the State Treasurer in favor of Livonia B. Perrine, formerly of Albion, Michigan, now a resident of La Moure county, Dakota Territory, for the sum of three hundred and five dollars and two cents (\$305.02), said amount having been erroneously paid to the State by the said Livonia B. Perrine for the care, maintenance and treatment of one who should have been and afterward was adjudged an indigent insane person, and therefore chargeable to the State;

Resolved further, That the Auditor General be and he is hereby authorized

and directed to draw his warrant on the State Treasurer in favor of the medical superintendent of the Michigan asylum for the insane of [at] Kalamazoo for one hundred and sixty-eight dollars and thirty-six cents (\$168.36), said amount now standing on the books of the said asylum for the insane against Livonia B. Perrine for the care and maintenance of the indigent insane person as aforesaid before the time the matter was rightfully adjusted and the expenses of the patient assumed by the county or State. And the State Treasurer is hereby authorized to pay the sum total of the two items appropriated by this joint resolution out of any moneys in the State Treasury not otherwise appropriated; and .

Resolved further, That the Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and eighty-seven the sum of four hundred and seventy-three dollars and thirty-eight cents, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum, when collected, shall be credited to the general fund to reimburse the same for the amounts drawn therefrom under this joint resolution.

Ordered to take immediate effect.

Approved June 18, 1887.

[No. 21.]

JOINT RESOLUTION to authorize the State of Michigan to patent certain lands in Muskegon county to Henry Webster.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be directed to cause a patent to be issued to Henry Webster for one hundred and sixty acres of land to be selected by him from the northeast quarter of the southeast quarter, and the southeast quarter of the northeast quarter of section twenty-seven, the southeast quarter of the southwest quarter of section twenty-three, in township number nine north, range number sixteen west, and the north fractional half of the northeast quarter of section one, in township ten north, range sixteen west, in the State of Michigan, in the same manner as he could have done by virtue of act one hundred ninety-seven of the laws of Michigan for eighteen hundred and eighty-three, by virtue of his application filed under said law.

Approved June 27, 1887.

CONCURRENT RESOLUTIONS.

[No. 1.]

SENATE CONCURRENT RESOLUTION.

Be it resolved by the Senate of the State of Michigan (the House concurring), That our Senators and Representatives in Congress be and they are hereby requested to use their best endeavors to secure such legislation by Congress as will result in the United States acquiring the title to and the ownership of the ship canals connecting the waters of Keweenaw Bay, by way of Portage Lake, with the waters of Lake Superior in the Upper Peninsula, for the purpose [purposes] of a harbor of refuge, and of making them free for the navigation and commerce of the great lakes, in accordance with the recommendation of the special board of engineers appointed by the Secretary of War to examine into and report on the desirability of their purchase by the general government.

Resolved further, That the Governor be and he hereby is requested to forward copies of the foregoing resolution to our Representatives in Congress.

Approved January 27, 1887.

[No. 2.]

CONCURRENT RESOLUTION.

WHEREAS, The Congress of the United States did pass a bill known as the Dependent Pension Bill, granting a pension of twelve dollars a month to all soldiers of the late war who, from any cause, had become unable to properly furnish themselves with the necessaries of life; and

WHEREAS, President Cleveland did in his wisdom see fit to veto the said bill, returning it to the house where it originated without his signature or approval; now, therefore

Resolved (the Senate concurring), That we hereby call upon our delegation in Congress to use all honorable means to secure the passage of the said Dependent Pension Bill over the said Presidential veto;

Resolved further, That the Governor be requested to forward to each of our [Senators and] Representatives in Congress a copy of these resolutions.

Approved February 21, 1887.

[No. 3.]

CONCURRENT RESOLUTION.

Be it resolved by the Senate (the House concurring), That the Secretary of State be authorized to prepare and present to each minister of the gospel who has officiated in conducting religious services in either house, a copy of the Manual with name inscribed with gilt letters.

Approved April 9, 1887.

[No. 4.]

CONCURRENT RESOLUTION.

Resolved by the House of Representatives (the Senate concurring), That the Secretary of State be and is hereby instructed to have the public acts of the session of eighteen hundred and eighty-three reprinted for sale and future distribution, to the number of one thousand copies.

Approved April 13, 1887.

[No. 5.]

CONCURRENT RESOLUTION.

Resolved by the Senate (the House concurring), That the State printers be and they are hereby instructed to print from time to time, in the order of their approval by the Governor, all acts of the present legislature of a public nature which are ordered to take immediate effect, and insert the same in the Legislative Journal in the form of a supplemental sheet, and that the Secretary of State be required to furnish the State printer with certified copies of such acts.

Approved April 15, 1887.

[No. 6.]

CONCURRENT RESOLUTION.

WHEREAS, The edition of the Legislative Manual for eighteen hundred and eighty-seven, issued in conformity to law, is inadequate to supply the demands [demand]; therefore,

Be it resolved by the Senate (the House concurring), That the Secretary of State be instructed to have a second edition of fifteen hundred copies printed at as early a date as practicable, the same to be disposed of as the present legislature may direct.

Approved April 21, 1887.

[No. 7.]

CONCURRENT RESOLUTION relative to printing the report of the select joint committee on insurance.

Resolved by the House of Representatives (the Senate concurring), That 3,000 copies of the report of the select joint committee on insurance, on their investigation of the life insurance business as conducted in this State, together with the testimony taken before said committee and accompanying the report, be printed in pamphlet form for the use of the legislature.

Approved May 6, 1887.

[No. 8.]

SENATE CONCURRENT RESOLUTION [relative to the distribution of the Legislative Manuals of eighteen hundred and eighty-seven.]

Resolved by the Senate (the House concurring), That the Secretary of State be directed to furnish Legislative Manuals as per the following schedule:

Governor	60
Lieutenant Governor.....	50
Speaker of the House.....	42
President <i>pro tem.</i> of Senate.....	46
Speaker <i>pro tem.</i> of House	27
31 Senators, each 41.....	1271
98 Representatives, each 21.....	2058
Secretary of the Senate.....	17
Clerk of the House.....	17
Assistant Secretary of Senate.....	6
Journal Clerk of House.....	6
Bill Clerk of Senate.....	5
Corresponding Clerk of House.....	5
Sergeant-at-Arms of Senate.....	5
Sergeant-at-Arms of House.....	5
Engrossing and Enrolling Clerk of Senate.....	2
Engrossing and Enrolling Clerk of House.....	2
Total	3624

Approved May 31, 1887.

[No. 9.]

CONCURRENT RESOLUTION.

WHEREAS, The legislature of the State of Ohio has formulated a plan for celebrating in an appropriate manner at Marietta, Ohio, in April, eighteen hundred and eighty-eight, the centennial anniversary of the ordinance of seventeen hundred and eighty-seven and the first settlements made in pursuance thereof on the territory of the Great Northwest; and

WHEREAS, The State of Ohio has through its legislature and executive extended invitations to the States of Indiana, Illinois, Wisconsin and Michigan to formally participate in such centennial celebration at Marietta, Ohio, in April, eighteen hundred and eighty-eight, and also in an industrial and educational exposition to be held at Columbus, Ohio, in the autumn of the same year; therefore,

Resolved by the House of Representatives (the Senate concurring), That to the end that the State of Michigan may be properly represented and formally participate in such centennial celebration at Marietta, Ohio, and industrial and educational exposition at Columbus, Ohio, and the fraternal relations of the five great States once in common comprising the old Northwest Territory, be properly observed and extended, the Governor be and hereby is directed to appoint five representative citizens of Michigan as commissioners of the centennial celebration of the ordinance of seventeen hundred and eighty-seven, to whom the whole matter of such celebration and exposition shall be referred, with authority to conduct and manage the same in such manner as to them shall seem best, without expense or liability to the State of Michigan; it being the design and purpose of this resolution that all expenditures of money necessary to carry out the same shall be borne by the philanthropic and patriotic citizens of our State.

Approved June 3, 1887.

[No. 10.]

SENATE CONCURRENT RESOLUTION [relative to the office of hull inspector].

WHEREAS, The office of hull inspector must be filled by a man who has passed examination as a pilot, barring out a practical ship carpenter from holding the position; therefore,

Resolved (the House concurring), That our Senators and Representatives in Congress be requested to use their influence to separate these two parts of the duties of said office so that a practical ship carpenter may be appointed to said office of hull inspector, and that it be the duty of said hull inspector to regulate the draft of vessels on the inland lakes, to prevent overloading of such.

Resolved, That the Secretary of State be and he is hereby authorized and instructed to forward a copy of these resolutions to our Senators and Representatives in Congress.

Approved June 8, 1887.

[No. 11.]

CONCURRENT RESOLUTION relative to Michigan Military Academy cadets.

WHEREAS, A company from the Michigan Military Academy at the late national drill at Washington won the distinction and honor of being the best drilled company present;

Therefore resolved (the Senate concurring), That the congratulations and thanks of the legislature are hereby extended to the management and cadets of the academy, and the Governor is hereby authorized to forward to Col. J. Sumner Rogers, superintendent, a copy of this resolution.

Approved June 16, 1887.

[No. 12.]

CONCURRENT RESOLUTION authorizing the Quartermaster General to loan certain camp equipage to the Michigan brigade (uniform rank), Knights of Pythias.

Resolved by the House (the Senate concurring), That the Quartermaster General be and is hereby authorized to loan the Michigan brigade (uniform rank), Knights of Pythias so much of the camp equipage belonging to the State as may be necessary to be used at the State encampment of that body: *Provided*, That the Quartermaster General shall send competent persons in charge of said equipage, and that all the expense and damage, except ordinary wear and tear, shall be borne by the said Michigan brigade (uniform rank), Knights of Pythias: *And provided further*, That the same shall not interfere with the use of the camp equipage by the State troops.

Approved June 18, 1887.

[No. 13.]

CONCURRENT RESOLUTION relative to the publication of the game and fish laws of the State.

WHEREAS, The demand is so great throughout the State for copies of the game and fish laws now being enforced by the State warden and his deputies; therefore,

Resolved by the House of Representatives (the Senate concurring), That the State Game and Fish Warden be and is hereby authorized and empowered to compile and publish in pamphlet form all the laws pertaining to the "protection of fish and game" now in force and to be enacted by this legislature, together with such annotations as he deems necessary to a proper understanding of the same, including a list of his deputies and their postoffice addresses, to be distributed to whomsoever may desire, and extra expense incurred thereby to be paid out of any funds in the treasury not otherwise appropriated on the approval of the Board of State Auditors and the warrant of the Auditor General.

Approved June 22, 1887.

[No. 14.]

CONCURRENT RESOLUTION.

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate and Clerk of the House of Representatives be and they are hereby directed to compile and prepare for publication, make

indexes, and superintend the publication of the journals and documents of the present legislature, and when complete and certified to by the Secretary of State the Secretary of the Senate shall be entitled to and receive for such services the sum of five hundred dollars, and the Clerk of the House of Representatives shall be entitled to and receive for such services the sum of six hundred dollars, the same to be paid on the certificate of the Secretary of State.

Approved June 27, 1887.

[No. 15.]

CONCURRENT RESOLUTION.

WHEREAS, It is made to appear that on the fourteenth day of December, eighteen hundred and fifty-three, Selah Reeves [Reeve] purchased at the State Land Office, and paid for in full, the following described lands: The southwest fractional quarter of the northwest quarter, the west half of the southeast quarter, and the southwest quarter of section thirty-one, in township twelve north, of range fifteen east, containing two hundred and sixty-seven and forty-hundredths acres, and that he received therefor full paid certificate number one thousand two hundred and thirty-nine; and

WHEREAS, It is claimed that the said certificate, number one thousand two hundred and thirty-nine, has been lost or destroyed, and that for that reason no patent can be issued therefor [thereon]; therefore, be it

Resolved by the Senate (the House concurring), That the Commissioner of the State Land Office be and he is hereby authorized to issue to the persons legally entitled thereto new certificates in place of said certificate number one thousand two hundred and thirty-nine whenever the persons claiming title thereto shall make due proof by affidavit, or otherwise, that the said certificate has been lost or destroyed without their fault or connivance, and that neither they nor their grantors have sold or encumbered the land described therein; and be it further

Resolved, That upon presentation to him of the said duplicate certificates, together with the further certificate that all the taxes, interest and charges upon said lands have been paid, the Governor of the State be and he is hereby authorized to cause a patent to be issued for the land described therein to the persons entitled thereto.

Approved June 27, 1887.

NOTE.—The words and sentences enclosed in brackets in the foregoing acts and resolutions were in the bills and resolutions as passed by the legislature, but not in the enrolled copy as approved by the Governor.

CERTIFICATE.

STATE DEPARTMENT MICHIGAN, } ss.
Secretary's Office.

I, Gilbert R. Osmun, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the legislature of this State for the present year was June twentieth-ninth, one thousand eight hundred and eighty-seven.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the State of Michigan, at Lansing, this first day of July, in [L. s.] the year of our Lord one thousand eight hundred and eighty-seven.

GILBERT R. OSMUN,
Secretary of State.

APPENDIX:

CONTAINING

STATE TREASURER'S ANNUAL REPORT

FOR THE YEAR 1886.

STATE TREASURER'S ANNUAL REPORT.

1886.

STATE OF MICHIGAN, }
STATE TREASURER'S OFFICE, }
Lansing, Mich., October 1, 1886.

HON. RUSSELL A. ALGER, *Governor*:

DEAR SIR—In conformity with the requirements of law, I hand you my report for the fiscal year ending September 30, 1886, including statements of the condition of the State and Savings Banks, organized under the laws of Michigan:

The balance on hand, as given in my last report, was.....	\$790,251 56
The receipts have been.....	3,046,999 27
	\$3,837,250 83
Payments	2,895,252 97
Balance in Treasury.....	\$941,997 86

Which corresponds with the amount charged to this office on the books of the Auditor General, as appears by his letter:

STATE OF MICHIGAN, }
AUDITOR GENERAL'S OFFICE, }
Lansing, October 1, 1886.

HON. E. H. BUTLER, *State Treasurer, Lansing, Michigan*:

DEAR SIR—The amount charged to the State Treasurer on the books of this office at the close of business on the 30th day of September, 1886, was \$941,997.86.

Very Respectfully,

W. C. STEVENS,
Auditor General.

The following Table, giving the Treasury Balance each Monday during the year, shows the variations in the amount of Cash on hand.

Date.	Debit Balances.	Credit Balances.
Monday, October 5, 1885.		\$764,088 04
" October 12, 1885.		760,394 84
" October 19, 1885.		715,554 01
" October 26, 1885.		684,730 73
" November 2, 1885.		517,428 62
" November 9, 1885.		480,823 22
" November 16, 1885.		137,088 18
" November 23, 1885.		123,669 21
" November 30, 1885.		99,686 22
" December 3, 1885.		97,299 60
" December 14, 1885.		63,200 37
" December 21, 1885.		49,999 90
" December 28, 1885.	\$20,844 26	
" January 4, 1886.	69,798 39	
" January 11, 1886.	129,732 43	
" January 18, 1886.	197,088 29	
" January 25, 1886.	166,880 81	
" February 1, 1886.		69,776 29
" February 8, 1886.		113,056 02
" February 15, 1886.		446,300 36
" February 22, 1886.		527,236 59
" March 1, 1886.		559,883 86
" March 8, 1886.		554,257 14
" March 15, 1886.		608,927 04
" March 22, 1886.		708,991 21
" March 29, 1886.		903,414 64
" April 5, 1886.		1,059,607 00
" April 12, 1886.		1,065,346 26
" April 19, 1886.		1,047,055 11
" April 26, 1886.		1,061,537 43
" May 3, 1886.		1,086,252 26
" May 10, 1886.		1,042,507 39
" May 17, 1886.		672,501 06
" May 24, 1886.		652,852 45
" May 31, 1886.		626,367 26
" June 7, 1886.		664,873 77
" June 14, 1886.		656,192 14
" June 21, 1886.		658,113 41
" June 28, 1886.		679,306 54
" July 5, 1886.		914,690 50
" July 12, 1886.		954,706 85
" July 19, 1886.		994,898 20
" July 26, 1886.		938,571 63
" August 2, 1886.		1,023,175 96
" August 9, 1886.		1,042,280 56
" August 16, 1886.		1,039,154 65
" August 23, 1886.		1,016,178 86
" August 30, 1886.		1,045,664 98
" September 6, 1886.		1,035,111 23
" September 13, 1886.		1,027,385 64
" September 20, 1886.		1,021,499 29
" September 27, 1886.		1,012,677 42

The following statement from the General and Auxiliary Ledgers gives the condition of the several Trust Funds, Sinking Fund, Bond Account, etc.:

Credit—

General Fund.....	\$510,891 60
Agricultural College Interest Fund	5,828 04
Normal School Interest Fund.....	945 87
Primary School Interest Fund.....	333,672 88
University Interest Fund.....	8,875 38
Sundry Deposits Account.....	5,148 58
War Fund.....	7,708 39
St. Mary's Canal Fund.....	68,927 12
War Bounty Loan Bond Account.....	231,000 00
	\$1,172,997 86

Debit—

Sinking Fund (U. S. 4½% Bonds).....	231,000 00
Cash on hand.....	941,997 86
	\$1,172,997 86

BONDED DEBT.

The Outstanding Bonds of this State now are:

Past due part-paid Five Million Loan Bond, \$21,000, adjustable at \$578.57 per \$1,000 (not bearing interest).....	\$12,149 97
War Bounty Loan Bonds, 7%, due in 1890.....	231,000 00

TRUST FUND DEBT.

The Trust Fund Debt, composed of balances upon which the State, as trustee, pays interest for educational purposes, now is:

Agricultural College Fund.....	\$301,333 58
Normal School Fund.....	62,338 56
Primary School Fund (seven per cent)	\$3,279,047 24
“ “ “ (five per cent)	366,645 00
	\$3,645,692 24
University Fund.....	502,570 09
Aggregate balance of Trust Funds.....	\$4,511,934 47

Upon which interest has been paid from the Specific Tax Fund according to law.

STATE BANKS.

There are now fifty Banking Associations under the general laws of this State, six having been organized during the year.

All of which is respectfully submitted,

E. H. BUTLER, *State Treasurer.*

The following statements give the receipts and payments in detail:

General Fund.		
RECEIPTS.		
Balance September 30, 1885.....		\$949,328 34
Auditor General's Office—Taxes etc.—		
Tax histories, statements and deeds.....	\$3,094 87	
State tax lands, Act 229, 1881.....	280 84	
Delinquent taxes.....	166,745 04	
Redemptions.....	22,521 67	
		192,508 42
Counties (from County Treasurers).		
Under old tax law.....	\$36,735 32	
Under new tax law.....	1,685,741 84	
Proceeds of tax sales.....	7,209 73	
		1,669,686 08
Earnings—		
State Prison—convict labor.....	1,943 00	
		1,943 00
Fees, licenses, etc.—		
Auditor General—		
Plats filed.....	\$173 00	
Commissioner of Insurance—		
Fees, co-operative associations.....	540 00	
Fees for copies of records.....	6 00	
Commissioner of Railroads—		
Railroad laws—sale of.....	54 75	
Commissioner of State Land Office—		
Plats, etc.....	1,915 39	
Settlers' licenses.....	52 00	
Pioneer Society of Michigan—		
"Pioneer Collections," sale of.....	102 75	
Secretary of State—		
Certificates and certified copies.....	848 71	
Commissions to Commissioners of Deeds.....	120 00	
Legislative Manuals—sale of.....	25 00	
Records of Superintendents of Poor (Act 121, 1885).....	810 04	
Session laws—sale of.....	266 00	
State Librarian—		
"Michigan in the War"—sale of.....	55 00	
Michigan Reports—sale of.....	3,848 15	
State Oil Inspector—		
Inspection fees.....	6,231 51	
State Treasurer—		
Fees, notaries public.....	1,168 30	
Fees for copies of records.....	19 18	
Peddlers' licenses.....	938 25	
Territorial laws—sale of.....	4 50	
Superintendent of Public Instruction—		
Certificate fees.....	35 00	
		17,312 28
Interest—		
Specific taxes.....	\$3,715 60	
Surplus funds.....	17,931 37	
U. S. 4½ per cent bonds (in sinking fund).....	11,137 50	
		32,784 47
Refunding—		
Awards by Board of State Auditors.....	\$23 71	
Care of juvenile offenders.....	8 50	
Appropriations unexpended—		
Asylum for Insane Criminals.....	567 80	
Exhibition of Horticultural and Pomological Products at Grand Rapids.....	168 72	
Exposition at New Orleans.....	4,266 44	
State Teachers' Institutes.....	10 00	
State tax land and interest.....	1 02	
		5,046 19
State Lands, Purchases of—		
Asylum lands—principal and interest.....	\$1,030 08	
Asset lands—principal and interest.....	692 24	
Salt Spring lands—principal and interest.....	994 20	
State building lands—principal and interest.....	15,280 35	
Five per cent sale of lands by United States, from July 1, 1883, to June, 30, 1886.....	13,545 27	
		31,522 14
Miscellaneous—		
Liquor tax.....	\$300 00	
Rent of State building lot in Lansing.....	1,228 49	
Taxes on part paid lands.....	5,513 39	
Sale of old material.....	32 20	
Michigan Board of Pharmacy—available surplus.....	2,500 00	
		9,579 08
Transfers—		
From Agricultural College Fund.....	\$16,545 31	
" Normal School Fund.....	553 75	
" Primary School Fund.....	94,857 15	
" Specific Tax Fund.....	47,487 41	
" Swamp Land Fund.....	46,524 32	
" University Fund.....	5,191 31	
" Sinking Fund.....	3,085 00	
		219,244 25
Total.....		\$2,529,034 08

General Fund.

DISBURSEMENTS.

Appropriations—		
Eastern Asylum for the Insane.....	\$28,859 79	
Michigan Asylum for the Insane.....	21,450 00	
Northern Asylum for the Insane.....	199,772 23	
Asylum for Insane Criminals.....	14,709 39	
Institution for Educating Deaf and Dumb.....	65,358 92	
Michigan School for the Blind.....	28,750 00	
Michigan Soldiers' Home.....	115,000 00	
		\$468,400 33
Boards, etc.—		
Board of Corrections and Charities.....	\$4,489 32	
Board of Fish Commissioners.....	15,000 00	
Bureau of Labor and Industrial Statistics.....	5,832 41	
State Board of Health.....	6,011 32	
		30,333 05
Colleges and Schools—		
Agricultural College.....	\$28,859 00	
Michigan Mining School.....	7,500 00	
State Normal School.....	84,277 00	
State Public School for Dependent Children.....	39,000 00	
University of Michigan.....	99,075 00	
		208,711 00
Prisons—		
Michigan State Reform School.....	\$78,000 00	
State House of Correction.....	2,200 00	
State Industrial Home for Girls.....	31,188 44	
State Prison.....	13,435 36	
		124,823 79
Miscellaneous—		
Commissioner of Mineral Statistics.....	\$3,333 34	
Geological Survey.....	6,000 00	
Indexing Names of Soldiers by Adjutant General.....	325 00	
Military Account.....	87,219 02	
Michigan in the War.....	1,520 96	
Michigan Superintendents of the Poor.....	97 40	
Pioneer Society of the State of Michigan.....	3,000 00	
Prevention of Cholera.....	851 85	
Relief and Support of Edward Murphy.....	300 00	
Semi-centennial Celebration of Admission of Michigan into the Union.....	3,423 27	
Soldiers' Aid.....	5,000 00	
State Library.....	5,500 00	
State Teachers' Institutes.....	1,720 00	
State Capitol, Frescoing and Decorating.....	11,085 20	
		130,036 04
Expenses of State Government—		
Awards by Boards of State Auditors—		
General awards.....	\$61,920 23	
Members of Boards of State Institutions.....	11,232 41	
Michigan reports.....	3,206 00	
Paper and stationery.....	22,258 61	
Printing and binding.....	43,330 52	
		141,947 33
Institutions, etc.—		
Apprehending escaped convicts.....	\$1,127 33	
Agent of State Public School.....	1,705 37	
Agent of State Reform School.....	128 41	
Board of Visitors to Educational Institutions.....	298 05	
Board of Pardons.....	1,023 90	
Care of juvenile offenders.....	3,999 31	
Conveying children to Reform School and Industrial Home for Girls.....	671 22	
Conveying convicts to State House of Correction.....	12,592 40	
Conveying convicts to State Prison.....	5,458 23	
Institution for Deaf and Dumb, charged back to counties.....	3,488 32	
Live Stock Commission, Vet. Surgeon.....	303 56	
Michigan and Northern Asylums, charged back to counties.....	12,592 89	
Payment of troops in aid of civil authorities.....	2,789 23	
Return of children from State Public School.....	131 00	
State Board of Education.....	538 85	
State Board of Equalization.....	124 20	
State House of Correction (current expenses).....	36,000 00	
State Prison (current expenses).....	22,943 00	
Support of female convicts.....	1,335 02	
Support of insane.....	250,913 87	
Transportation of children to State Public School.....	2,069 59	
Transfer of convicts (insane).....	1,371 40	
		\$61,804 65
Judiciary—		
Courts.....	\$2,175 00	
Costs of suits.....	2,539 90	
State Reporter (incidental expenses).....	278 20	
		5,093 10

Refunding—		
Taxes, etc., Auditor General's office.....	\$24,925 51	\$24,925 51
Salaries—		
State officers, clerks, judges of courts.....	\$268,622 41	
Military Department (charged back to military account).....	8,083 81	256,706 72
Taxes—		
Advertising sales of forfeited lands.....	\$9 55	
Expenses of sales and collecting delinquent State tax.....	84,075 10	
Fund for counties.....	1,332 89	
Sundry counties.....	196,729 10	231,146 64
Miscellaneous—		
Coroners' fees.....	\$2,394 68	
Relief of Edgar C. Webber.....	400 00	
Supervisors' appraisals.....	27 46	
Wolf bounties.....	24 00	2,846 09
Transfers—		
To Swamp Land Fund.....	\$36,999 46	36,999 46
Balance September 30, 1896.....		510,391 80
Total.....		\$2,529,034 80

Specific Tax Fund.

RECEIPTS.

From boiler inspection companies.....	\$307 94	
From express companies.....	2,496 31	
From fire insurance companies.....	91,363 92	
From freight, sleeping and palace car companies.....	1,857 82	
From guaranty insurance companies.....	280 66	
From life insurance companies.....	33,391 88	
From mining companies.....	47,565 17	
From plank and gravel road companies.....	1,598 79	
From plate glass insurance companies.....	144 61	
From railroad companies.....	619,399 20	
From river improvement companies.....	931 77	
From telegraph companies.....	6,647 60	
From telephone companies.....	6,726 06	
Total.....		\$812,711 75

Specific Tax Fund.

DISBURSEMENTS.

Transfers—		
To Agricultural College Interest Fund.....	\$20,571 65	
To General Fund.....	47,487 41	
To Normal School Interest Fund.....	3,722 53	
To Primary School Interest Fund.....	689,763 01	
To University Interest Fund.....	34,997 15	
To War Fund.....	16,170 00	
Total.....		\$812,711 75

Agricultural College Fund.

RECEIPTS.

From sale of lands.....	\$16,545 31	\$16,545 31
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Agricultural College Fund.

DISBURSEMENTS.

Transfer to General Fund.....	\$16,545 31	\$16,545 31
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Normal School Fund.

RECEIPTS.

From sale of lands.....	\$553 75	\$553 75
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Normal School Fund.

DISBURSEMENTS.

Transfer to General Fund.....	\$553 75	\$553 75
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Primary School Fund.

RECEIPTS.

From sale of lands.....	\$94,857 15	\$94,857 15
-------------------------	-------------	-------------

Primary School Fund.

DISBURSEMENTS.

Transfer to General Fund.....	\$94,857 15	\$94,857 15
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University Fund.

RECEIPTS.

From sale of lands.....	\$5,191 81	\$5,191 81
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University Fund.

DISBURSEMENTS.

Transfer to General Fund.....	\$5,191 81	\$5,191 81
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Agricultural College Interest Fund.

RECEIPTS.

Balance September 30, 1885.....		\$5,287 68
Interest on lands.....	\$10,175 29	10,175 29
Transfer from Specific Tax Fund.....		20,571 65
Total.....		\$36,034 62

Agricultural College Interest Fund.

DISBURSEMENTS.

Advertising forfeited lands.....	\$76 96	
Supervisors' appraisals.....	208 94	
Treasurer of Agricultural College.....	29,920 68	\$30,206 58
Balance September 30, 1885.....		5,828 04
Total.....		\$36,034 62

Normal School Interest Fund.

RECEIPTS.

Balance September 30, 1885.....		\$981 48
Interest on lands.....	\$588 06	588 06
Transfer from Specific Tax Fund.....		3,722 58
Total.....		\$5,222 07

Normal School Interest Fund.

DISBURSEMENTS.

Supervisors' appraisals.....	\$8 20	
Treasurer of Normal School.....	4,268 00	\$4,276 20
Balance September 30, 1885.....		945 87
Total.....		\$5,222 07

Primary School Interest Fund.

RECEIPTS.

Balance September 30, 1885.....		\$418,580 18
Interest on lands.....	\$21,512 67	
Rent of land, High School, Lansing.....	1 00	
Trespass collection.....	45 00	
Refunded by Treasurer of Mason County.....	68 12	
Transfer from Specific Tax Fund.....		21,628 79
		689,763 01
Total.....		<u>\$1,129,969 98</u>

Primary School Interest Fund.

DISBURSEMENTS.

Advertising forfeited lands.....	\$1,060 91	
Apportionment to counties.....	794,561 66	
Refunded.....	34 16	
Supervisors' appraisals.....	660 32	
Balance September 30, 1886.....		\$796,297 05
		838,672 88
Total.....		<u>\$1,129,969 93</u>

University Interest Fund.

RECEIPTS.

Interest on lands.....	\$3,488 38	
Transfer from Specific Tax Fund.....		\$3,488 38
		34,997 15
Total.....		<u>\$38,480 48</u>

University Interest Fund.

DISBURSEMENTS.

Advertising forfeited lands.....	\$4 60	
Supervisors' appraisals.....	19 50	
Treasurer of University of Michigan.....	20,561 00	
Balance September 30, 1886.....		\$20,605 10
		8,875 38
Total.....		<u>\$38,480 48</u>

Swamp Land Fund.

RECEIPTS.

Interest on lands.....	\$1,244 30	
Sale of lands—cash.....	8,071 51	
Sale of lands—swamp land warrants.....	35,207 98	
Trespass collections.....	2,000 53	
Transfer from General Fund.....		\$46,524 32
		35,999 46
Total.....		<u>\$82,523 78</u>

Swamp Land Fund.

DISBURSEMENTS.

Advertising forfeited lands.....	\$165 58	
Examining roads.....	239 05	
Refunding—principal and interest.....	163 27	
Supervisors' appraisals.....	223 58	
Swamp land warrants.....	35,207 98	
Transfer to General Fund.....		\$35,999 46
		46,524 32
Total.....		<u>\$82,523 78</u>

Sundry Deposits Account.

RECEIPTS.

Balance September 30, 1885.....		\$4,968 48
Bids on forfeited primary school lands.....	\$240 00	240 00
Total.....		\$5,208 48

Sundry Deposits Account.

DISBURSEMENTS.

Deposit for Agricultural College Fund.....	\$59 84	
Balance September 30, 1885.....		5,148 58
Total.....		\$5,208 48

War Fund.

RECEIPTS.

Balance September 30, 1885.....		\$8,208 39
Transfer from Specific Tax Fund.....		16,170 00
Total.....		\$24,378 39

War Fund.

DISBURSEMENTS.

Coupons War Bounty Loan Bonds.....	\$16,065 00	
State Bounty.....	600 00	
Balance September 30, 1885.....		7,708 39
Total.....		\$24,378 39

Sinking Fund.

RECEIPTS.

Sale of United States 4¼ per cent Bonds.....	\$66,000 00	
Premium on sale of Bonds.....	8,065 00	
Total.....		\$74,065 00

Sinking Fund.

DISBURSEMENTS.

Transfer to General Fund.....		\$8,065 00
Balance September 30, 1885.....		66,000 00
Total.....		\$74,065 00

St. Mary's Canal Fund.

RECEIPTS.

Balance September 30, 1885.....		\$68,927 12
Total.....		\$68,927 12

St. Mary's Canal Fund.

DISBURSEMENTS.

Balance September 30, 1885.....		\$68,927 12
Total.....		\$68,927 12

REPORTS.
OF
STATE BANKS

ORGANIZED UNDER THE GENERAL LAWS OF THE
STATE OF MICHIGAN.

REPORT of the condition of the Ann Arbor Savings Bank at Ann Arbor, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19 and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$264,838 89
Overdrafts.....	128 82
Furniture and Fixtures.....	1,880 85
Due from Banks and Bankers.....	54,281 67
Legal Tender and Bank Notes, and Gold Coin.....	82,944 27
Bonds and Mortgages.....	156,714 91
U. S. 4 per cent, Registered.....	11,400 00
	<u>\$522,184 41</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Surplus Fund.....	50,000 00
Undivided Profits.....	11,084 22
Due Depositors.....	408,280 19
Dividends Unpaid.....	2,800 00
	<u>\$522,184 41</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHAS. E. HISCOCK, *Cashier.*

Subscribed and sworn to before me this 6th day of July, 1886.

ADAM D. SEYLER, *Notary Public.*

REPORT of the condition of the Bay County Savings Bank at Bay City, Michigan, on Saturday, July 3d, A. D. 1886, made in accordance with Sections 18, 19 and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$184,142 85
Furniture and Fixtures.....	1,852 45
Checks on other Banks and due from Banks and Bankers, and cash on hand.....	40,117 52
Bonds.....	4,700 00
	<u>\$230,812 82</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Surplus Fund.....	3,500 00
Undivided Profits.....	471 77
Due Depositors.....	174,286 05
Dividend.....	2,555 00
	<u>\$230,812 82</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

JOHN MULHOLLAND, *Treasurer.*

Subscribed and sworn to before me this 8d day of July, 1886.

CHAUNCEY H. SHEARER, *Notary Public.*

REPORT of the condition of the Central Michigan Savings Bank at Lansing, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$314,249 68
Overdrafts.....	7,915 96
Furniture and Fixtures.....	1,426 74
Expenses.....	3,512 61
Checks on other Banks—including cash items.....	7,054 68
Due from Banks and Bankers.....	28,058 27
Legal Tender and Bank Notes—including gold.....	22,714 00
Silver, Nickels and Pennies.....	309 24
Bonds—Municipal.....	30,420 00
Bills in transit.....	3,950 65
	<u>\$421,111 68</u>

LIABILITIES.

Capital paid in.....	\$64,000 00
Surplus fund.....	12,800 00
Undivided profits.....	8,621 71
Due Depositors.....	332,689 97
Notes and Bills re-discounted.....	3,000 00
	<u>\$421,111 68</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

NELSON BRADLEY, *Cashier.*

Subscribed and sworn to before me this 9th day of July, 1886.

NATHAN JUDSON, *Notary Public.*

REPORT of the condition of the Charlevoix Savings Bank at Charlevoix, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$44,191 04
Overdrafts.....	808 79
Furniture and Fixtures.....	437 00
Expenses.....	1,055 41
Due from Banks and Bankers.....	3,676 86
Legal Tender and Bank Notes.....	2,480 83
	<u>\$52,644 93</u>

LIABILITIES.

Capital paid in.....	\$15,000 00
Surplus Fund.....	2,000 00
Undivided Profits.....	4,747 07
Due other Banks.....	1,067 75
Due Depositors.....	20,380 10
Notes and Bills re-discounted.....	9,450 00
	<u>\$52,644 93</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

FRED A. SMITH, *Cashier.*

Subscribed and sworn to before me this 10th day of July, 1886.

OSCAR UPRIGHT, *Notary Public.*

REPORT of the condition of the Chelsea Savings Bank at Chelsea, Michigan, on Monday, the 5th day of July, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$150,231 89
Overdrafts.....	454 48
Furniture and Fixtures.....	2,080 51
Due from Banks and Bankers.....	29,692 83
Legal Tender and Bank Notes.....	5,704 24
Premium Account.....	70 72
	<u>\$188,334 65</u>

LIABILITIES.	
Capital paid in.....	\$50,000 00
Surplus Fund.....	6,236 81
Undivided Profits.....	2 84
Due Depositors.....	132,096 00
	<u>\$188,334 65</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

GEO. P. GLAZIER, *Cashier.*

Subscribed and sworn to before me this seventh day of July, 1886.

THEO. E. WOOD, *Notary Public.*

REPORT of the condition of the Citizens' Savings Bank at Detroit, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$307,776 53
Furniture and Fixtures.....	624 00
Checks on other Banks.....	5,750 29
Due from Banks and Bankers.....	43,175 08
Legal Tender and Bank Notes.....	16,464 20
Bonds and Mortgage.....	87,066 75
	<u>\$380,846 79</u>

LIABILITIES.	
Capital paid in.....	\$100,000 00
Surplus Fund.....	5,000 00
Undivided Profits.....	4,000 00
Due other Banks.....	29,026 77
Due Depositors.....	222,743 81
Interest.....	74 71
	<u>\$380,846 79</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

EPHRAIM K. ROBERTS, *Cashier.*

Subscribed and sworn to before me this sixth day of July, 1886.

FRED. E. BUTLER, *Notary Public.*

REPORT of the condition of the Detroit Savings Bank at Detroit, Michigan, at close of business July 8d, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and discounts.....	\$3,022,156 85
Overdraft (secured by collateral).....	210 07
Real estate.....	44,947 72
Furniture, safes and fixtures.....	6,500 00
Expenses.....	119 40
Checks on other banks.....	21,082 29
Due from banks and bankers.....	471,949 14
Legal tender and bank notes.....	57,104 00
Bonds—United States.....	\$284,700
City of Detroit.....	202,000
Wayne County.....	50,000
Others.....	86,800
Gold coin.....	563,500 00
Silver coin.....	60,246 00
Nickels, pennies, and uncurrent funds.....	10,568 40
1,404 06	
Cash items other than checks for clearing house.....	53 00
	<u>\$3,259,853 43</u>

LIABILITIES.

Capital paid in.....	\$200,000 00
Surplus fund and undivided profits.....	105,458 81
Due other banks.....	8,273 28
Due depositors.....	2,046,121 34
	<u>\$3,259,853 43</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

E. C. BOWMAN, *Cashier.*

Subscribed and sworn to before me this sixth day of July, 1886.

R. E. JENNISON, *Notary Public.*

REPORT of the condition of the Dime Savings Bank at Detroit, Michigan, on Saturday, July 8d, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$338,753 85
Overdrafts.....	168 83
Furniture and Fixtures.....	1,880 27
Expenses.....	405 00
Due from Banks and Bankers.....	78,873 60
Legal Tender and Bank Notes.....	16,184 43
Bonds.....	2,000 00
	<u>\$438,245 48</u>

LIABILITIES.

Capital paid in.....	\$100,000 00
Surplus Fund.....	4,000 00
Undivided Profits.....	734 96
Due Depositors.....	333,510 53
	<u>\$438,245 48</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

FREDERICK WOOLFENDEN, *Cashier.*

Subscribed and sworn to before me this third day of July, 1886.

ROBT. S. THUNER,
Notary Public, Wayne Co., Mich.

REPORT of the condition of the Genesee County Savings Bank at Flint, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$191,758 98
Overdrafts.....	7,868 41
Checks on other Banks.....	1,586 81
Due from Banks and Bankers.....	19,845 55
Legal Tender and Bank Notes.....	12,181 00
Gold Coin.....	4,905 00
Bonds—City of Flint School Bonds.....	6,000 00
Real Estate Mortgages.....	161,678 32
Silver Dollars and Fractional.....	231 87
	\$405,580 44

LIABILITIES.

Capital paid in.....	\$100,000 00
Surplus Fund.....	18,000 00
Undivided Profits.....	2,865 92
Due Depositors.....	285,214 52
Dividend No. 28.....	5,000 00
	\$405,580 44

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

IRA H. WILDER, *Cashier.*

Subscribed and sworn to before me this sixth day of July, 1886.

ARTHUR G. BISHOP, *Notary Public.*

REPORT of the condition of the German American Bank at Detroit, Michigan, on Saturday, July 3d, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$546,344 67
Overdrafts.....	2,734 64
Furniture and Fixtures.....	3,500 00
Expenses.....	3,108 61
Due from Banks and Bankers.....	129,712 64
Bonds—City and County.....	70,250 74
Cash and Exchanges for clearing house.....	142,833 58
Premium account.....	1,184 02
	\$899,662 86

LIABILITIES.

Capital paid in.....	\$100,000 00
Undivided Profits.....	16,061 10
Due Depositors.....	783,601 76
	\$899,662 86

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

H. L. KANTER, *Cashier.*

Subscribed and sworn to before me this seventh day of July, 1886.

ANDREW MOLELLAN,

Notary Public, Wayne Co., Mich.

REPORT of the condition of the Grand Rapids Savings Bank at Grand Rapids, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$216,290 51
Overdrafts.....	896 48
Real Estate.....	16,677 80
Furniture and Fixtures.....	2,491 67
Expenses.....	18 75
Checks on other Banks, and Cash Items.....	12,822 69
Due from Banks and Bankers.....	22,857 02
Legal Tender and Bank Notes.....	7,064 00
Coin.....	458 07
Mortgages.....	56,860 80
School Bonds.....	1,000 00
Stocks.....	8,380 00
	<u>\$346,189 29</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Surplus Fund.....	30,000 00
Undivided Profits.....	404 73
Due Depositors.....	262,747 56
Dividends Unpaid.....	3,037 00
	<u>\$346,189 29</u>

I do solemnly swear that the above is true, to the best of my knowledge and belief.

F. A. HALL, *Cashier.*

Subscribed and sworn to before me this fifth day of July, 1886.

C. A. WALL, *Notary Public.*

REPORT of the condition of the Hillsdale Savings Bank at Hillsdale, Michigan, on Tuesday, July 6th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$110,312 57
Overdrafts.....	161 80
Furniture and Fixtures.....	1,966 51
Expenses.....	1,490 57
Due from Banks and Bankers.....	17,556 86
Legal Tender and Bank Notes.....	10,080 22
	<u>\$141,508 38</u>

LIABILITIES.

Capital paid in.....	\$60,000 00
Undivided profits.....	3,883 81
Due Depositors.....	77,674 53
	<u>\$141,508 38</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

F. H. CONKLIN, *Cashier.*

Subscribed and sworn to before me this eighth day of July, 1886.

F. H. STONE, *Notary Public.*

REPORT of the condition of the Ionia County Savings Bank at Ionia, Michigan, on Monday, July 5th, A. D., 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and discounts.....	\$120,000 71
Overdrafts.....	646 73
Furniture and fixtures.....	2,644 25
Checks on other banks.....	5,355 43
Due from banks and bankers.....	17,458 88
Legal tender and bank notes.....	22,790 40
	<u>\$178,890 40</u>

LIABILITIES.

Capital paid in.....	\$30,000 00
Undivided profits.....	1,707 11
Due other banks.....	308 68
Due depositors.....	146,880 61
	<u>\$178,890 40</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this 8th day of July, 1886.

JOSIAH E. JUST, *Cashier.*
H. B. WEBBER, *Notary Public.*

REPORT of the condition of the Kalamazoo Savings Bank at Kalamazoo, Michigan, on Saturday, July 8d, A. D., 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and discounts.....	\$186,800 61
Real estate.....	10,000 00
Furniture and fixtures.....	2,000 00
Expenses.....	1,501 80
Due from banks and bankers.....	22,265 62
Legal tender and bank notes.....	39,148 44
Bonds—U. S. 4 per cent bonds, par value.....	20,000 00
School bonds.....	8,220 00
	<u>\$296,110 97</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Surplus fund.....	1,500 00
Undivided profits.....	2,481 12
Due depositors.....	282,129 85
	<u>\$296,110 97</u>

I do solemnly swear that the above is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this 6th day of July, 1886.

J. A. MONROE, *Cashier.*

J. W. BREESE, *Notary Public.*

REPORT of the condition of the Kent County Savings Bank at Grand Rapids, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 87 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$118,189 98
Mortgages.....	40,169 00
Furniture and Fixtures.....	1,362 70
Due from Banks and Bankers.....	6,877 56
Legal Tender and Bank Notes.....	7,486 71
Bonds—City and School District.....	8,900 00
	<u>\$177,765 89</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Undivided Profits.....	98 81
Due Depositors (\$30,723.89 Savings Department).....	125,872 08
Dividends Unpaid.....	2,000 00
	<u>\$177,765 89</u>

I do solemnly swear that the above statement is true to the best of my knowledge and belief.

J. A. S. VERDIER, *Cashier.*

Subscribed and sworn to before me this 6th day of July, 1886.

CHAS. B. KELSEY, *Notary Public.*

REPORT of the condition of the Lenawee County Savings Bank at Adrian, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 87 of the General Banking Laws, as amended in 1871.

RESOURCES.

Bonds and Mortgages, first lien.....	\$293,018 04
Bills Receivable, Collateral Security.....	11,966 63
Real Estate.....	3,620 70
Real Estate Contracts.....	464 58
Furniture and Fixtures.....	1,000 00
Expenses.....	2,431 11
Due from Banks and Bankers.....	77,452 27
Cash in Vault.....	27,499 57
Bonds—County, City, and Town.....	25,898 00
School Bonds.....	2,066 00
	<u>\$445,366 90</u>

LIABILITIES.

Capital paid in.....	\$30,000 00
Surplus Fund.....	30,000 00
Undivided Profits.....	22,155 62
Due Depositors.....	363,241 88
	<u>\$445,366 90</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

H. V. C. HART, *Cashier.*

Subscribed and sworn to before me this 6th day of July, 1886.

CLINTON D. HARDY, *Notary Public.*

REPORT of the condition of the Mechanics' Bank at Detroit, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$793,499 70
Real Estate.....	2,000 00
Expenses.....	6,819 78
Due from Banks and Bankers.....	278,900 83
Legal Tender Bank Notes and Checks on other Banks.....	43,629 94
Bonds—City and School District.....	17,184 80
Bills in Transit.....	2,819 93
Premium Account.....	265 45
	<u>\$1,145,120 42</u>

LIABILITIES.

Capital paid in.....	\$100,000 00
Undivided Profits.....	23,885 42
Due Depositors.....	1,018,235 00
	<u>\$1,145,120 42</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

E. H. BUTLER, *Cashier.*

Subscribed and sworn to before me this sixth day of July, 1886.

FRED. E. BUTLER, *Notary Public.*

REPORT of the condition of the Michigan Savings Bank at Detroit, Michigan, on Saturday, July 3d, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans on real estate.....	\$468,200 00
Loans on collaterals and discounts.....	338,995 94
Overdrafts.....	111 54
Real Estate.....	1,747 99
Furniture and Fixtures.....	2,300 00
Checks on other banks and cash items.....	9,098 69
Due from Banks and Bankers.....	173,285 67
Legal Tender and Bank Notes.....	41,406 22
Bonds—United States.....	10,000 00
Michigan—County.....	16,800 00
Michigan—City, Town and School.....	34,043 83
	<u>\$1,093,987 88</u>

LIABILITIES.

Capital paid in.....	\$150,000 00
Undivided profits.....	24,491 15
Due other Banks.....	918 96
Due Depositors.....	918,577 27
	<u>\$1,093,987 88</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

SAMUEL M. MUMFORD, *Treasurer.*

Subscribed and sworn to before me this fifth day of July, 1886.

CHAS. EMERSON,
Notary Public, Wayne Co., Mich.

REPORT of the condition of the Michigan State Bank at Eaton Rapids, Michigan, Tuesday, July 6th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$136,586 19
Overdrafts.....	263 08
Real Estate.....	1,400 00
Furniture and Fixtures.....	1,666 99
Due from Banks and Bankers.....	3,772 31
Legal Tender and Bank Notes.....	5,413 00
Specie.....	1,903 51
Cash Items.....	275 06
	<u>\$151,279 11</u>

LIABILITIES.

Capital paid in.....	\$75,000 00
Surplus Fund.....	1,000 00
Undivided Profits.....	1,143 08
Due other Banks.....	1,569 99
Due Depositors.....	53,843 90
Notes and bills re-discounted.....	17,442 14
Dividends unpaid.....	2,280 00
	<u>\$151,279 11</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHARLES S. COBB, *Cashier.*

Subscribed and sworn to before me, this seventh day of July, 1886.

FRED. Z. HAMILTON, *Notary Public.*

REPORT of the condition of the Mills Real Estate Security Bank at Detroit, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$79,728 40
Overdrafts.....	40 00
Furniture and Fixtures.....	203 63
Due from Banks and Bankers.....	2,098 23
Legal Tender and Bank Notes.....	3,204 94
	<u>\$85,270 19</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Undivided Profits.....	281 97
Due Depositors.....	33,168 07
Notes and Bills re-discounted.....	1,920 15
	<u>\$85,270 19</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

C. W. TROWBRIDGE, *Cashier.*

Subscribed and sworn to before me, this ninth day of July, 1886.

FRANK I. CURTIS,
Notary Public, Wayne Co., Mich.

REPORT of the condition of the Mt. Clemens Savings Bank at Mt. Clemens, Michigan, on Saturday, July 8d, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$224,788 07
Overdrafts.....	160 76
Real Estate.....	10,000 00
Furniture and Fixtures.....	2,500 00
Expenses.....	1,342 52
Cash Items.....	1,801 76
Due from Banks and Bankers.....	41,375 09
Legal Tender, Bank Notes and Specie.....	24,165 89
	<u>\$306,084 09</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Surplus Fund.....	10,000 00
Undivided Profits.....	19,451 42
Due Depositors.....	226,632 67
	<u>\$306,084 09</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

GEO. A. SKINNER, *Cashier.*

Subscribed and sworn to before me this 7th day of July, 1886.

TRAUGOTT LUNGERSHAUSEN, *Notary Public.*

REPORT of the condition of the Oxford Savings Bank at Oxford, Michigan, on Tuesday, July 6th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$34,306 14
Overdrafts.....	1 50
Furniture and Fixtures.....	1,550 00
Expenses.....	1,690 94
Checks on other Banks.....	720 06
Due from Banks and Bankers.....	14,440 31
Legal Tender and Bank Notes.....	4,028 00
Specie.....	640 68
	<u>\$57,247 68</u>

LIABILITIES.

Capital paid in.....	\$25,000 00
Surplus Fund.....	750 00
Undivided Profits.....	3,424 84
Due Depositors.....	28,072 78
	<u>\$57,247 68</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CLARENCE E. STANTON, *Cashier.*

Subscribed and sworn to before me this 6th day of July, 1886.

GEORGE O. KINSMAN,
Notary Public in and for Oakland County, Mich.

REPORT of the condition of the Paw Paw Savings Bank at Paw Paw, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts	\$35,748 46
Furniture and Fixtures	888 81
Expenses	180 68
Checks on other Banks	75 00
Due from Banks and Bankers	18,280 76
Legal Tender and Bank Notes	5,879 80
	<u>\$55,990 51</u>

LIABILITIES.

Capital paid in	\$35,000 00
Undivided Profits	480 97
Due Depositors	20,529 54
	<u>\$55,990 51</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

JOHN W. FREE, *Cashier*.

Subscribed and sworn to before me this seventh day of July, 1886.

GEO. E. BRECK, *Notary Public*.

REPORT of the condition of the People's Savings Bank at Detroit, Michigan, on Monday, July 6th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans secured by Real Estate Mortgages and other Approved Collaterals and Discounts	\$3,396,297 44
Overdrafts	1,047 91
Real Estate	47,442 81
Furniture and Fixtures	1,000 00
Expenses and Interest	55,544 14
Checks on other Banks	43,148 24
Due from Banks and Bankers	568,842 10
Legal Tender and Bank Notes	77,219 00
Bonds—United States, Michigan, School, County, Municipal, etc.	206,027 88
Gold, Silver, etc.	7,560 69
	<u>\$4,400,120 16</u>

LIABILITIES.

Capital paid in	\$500,000 00
Surplus Fund	50,000 00
Due other Banks	220,616 08
Due Depositors	3,467,186 65
Interest and Exchange Account	162,337 48
	<u>\$4,400,120 16</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

M. W. O'BRIEN, *Cashier*.

Subscribed and sworn to before me this sixth day of July, 1886.

F. A. SCHULTE, *Notary Public*.

REPORT of the condition of the People's Savings Bank at Lansing, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$30,788 53
Overdrafts.....	68 44
Furniture and Fixtures.....	868 70
Expenses.....	181 77
Checks on other Banks.....	42 43
Due from Banks and Bankers.....	9,214 63
Legal Tender and Bank Notes.....	2,026 00
Specie.....	879 61
Mortgages.....	10,658 00
Bills in transit.....	571 35
	<u>\$55,290 46</u>

LIABILITIES.	
Capital paid in.....	\$25,000 00
Surplus Fund.....	77 00
Undivided Profits.....	176 61
Due Depositors.....	30,045 85
	<u>\$55,290 46</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

S. B. CARR, Cashier.

Subscribed and sworn to before me this fifth day of July, 1886.

M. D. TODD, Notary Public.

REPORT of the condition of the Port Huron Savings Bank at Port Huron, Michigan, on Saturday, July 8d, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$398,340 78
Furniture and Fixtures.....	2,000 00
Expenses.....	3,268 83
Checks on other Banks.....	6,265 91
Due from Banks and Bankers.....	52,925 83
Legal Tender and Bank Notes.....	12,967 00
Silver.....	113 00
	<u>\$470,901 33</u>

LIABILITIES.	
Capital paid in.....	\$100,000 00
Surplus Fund.....	12,638 00
Undivided Profits.....	24,498 93
Due Depositors.....	315,022 10
Real Estate.....	9,019 52
Interest, Collection and Exchange.....	9,791 78
Dividends unpaid.....	25 00
	<u>\$470,901 33</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHAS. F. HARRINGTON, Cashier.

Subscribed and sworn to before me, this sixth day of July, 1886.

CHAS. D. THOMPSON, Notary Public.

REPORT of the condition of the Preston Bank at Detroit, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$680,897 89
Overdrafts.....	1,657 83
Furniture and Fixtures.....	3,490 52
Expenses.....	847 50
Checks on other Banks.....	42,131 11
Due from Banks and Bankers.....	114,625 30
Legal Tender and Bank Notes.....	55,052 33
Bonds—U. S. and School District, and Warrants.....	2,475 50
	<u>\$600,677 57</u>

LIABILITIES.

Capital paid in.....	\$100,000 00
Undivided Profits.....	3,108 86
Due other Banks.....	81,918 77
Due Depositors.....	415,650 44
	<u>\$600,677 57</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

W. A. BERCY, *Cashier.*

Subscribed and sworn to before me, this seventh day of July, 1886.

F. W. HAYES, *Notary Public.*

REPORT of the condition of the State Savings Bank at Detroit, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$524,826 72
Overdrafts.....	86 11
Furniture and Fixtures.....	2,500 00
Checks on other Banks.....	32,609 46
Due from Banks and Bankers.....	108,004 11
Legal Tender and Bank Notes, Coin and Cash Items.....	17,955 23
	<u>\$685,981 72</u>

LIABILITIES.

Capital paid in.....	\$150,000 00
Undivided Profits.....	11,663 58
Due other Banks.....	3,885 61
Due Depositors.....	517,592 53
Dividends unpaid.....	2,840 00
	<u>\$685,981 72</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

T. S. ANDERSON, *V. Pt.*

Subscribed and sworn to before me, this sixth day of July, 1886.

R. S. COURTNEY, *Notary Public.*

REPORT of the condition of the Savings Bank of East Saginaw at East Saginaw, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$482,376 61
Furniture and Fixtures.....	1,000 00
Bonds.....	31,900 00
Premiums paid on Bonds.....	800 00
Cash on hand and in Bank subject to check.....	135,846 22
	<u>\$651,922 96</u>

LIABILITIES.	
Capital paid in.....	\$50,000 00
Surplus Fund.....	25,000 00
Undivided Profits.....	1,846 84
Due Depositors.....	575,075 99
	<u>\$651,922 96</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 Subscribed and sworn to before me this 6th day of July, 1886. **AUGUSTUS SCHUPP, Treasurer.**
CHAS. M. COPLIN, Notary Public.

REPORT of the condition of the State Bank at St. Johns, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$67,247 04
Overdrafts.....	18 84
Furniture and Fixtures.....	1,500 00
Expenses.....	2,048 66
Checks on other Banks.....	175 00
Due from Banks and Bankers.....	11,099 53
Legal Tender and Bank Notes.....	2,958 88
	<u>\$105,045 95</u>

LIABILITIES.	
Capital paid in.....	\$30,000 00
Undivided Profits.....	2,778 29
Due Depositors.....	67,367 66
Notes and Bills Re-discounted.....	5,000 00
	<u>\$105,045 95</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 Subscribed and sworn to before me this 6th day of July, 1886. **ALVIN SHAYER, Cashier.**
SAMUEL WALKER, Notary Public.

Report of the condition of the Union Bank at Jackson, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$292,835 18
Overdrafts.....	2,080 48
Real Estate.....	25,000 00
Furniture and Fixtures.....	2,087 80
Expenses.....	8,417 08
Checks on other Banks, and Cash Items.....	970 86
Due from Banks and Bankers.....	57,871 06
Coin, Legal Tender, and Bank Notes.....	30,873 53
Bonds.....	8,500 00
	<u>\$417,885 44</u>

LIABILITIES.

Capital paid in.....	\$100,000 00
Undivided Profits.....	8,937 71
Due Depositors.....	308,947 73
	<u>\$417,885 44</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this 7th day of July, 1886. E. M. ALDRICH, Cashier.

A. M. WALKER, Notary Public.

REPORT of the condition of the Wayne County Savings Bank at Detroit, Michigan, at the commencement of business, Tuesday, July 6th, 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Cash on hand and call deposit.....	\$803,989 80
Loans on real estate, bonds and collaterals.....	3,278,323 02
Furniture and fixtures.....	6,625 12
Expense account.....	3,887 16
Collections in transit.....	370 00
Banking house and lot.....	110,000 00
	<u>\$4,203,175 10</u>

LIABILITIES.

Capital paid in.....	\$150,000 00
Due depositors.....	3,840,746 35
Interest premium, foreign exchange, and rent account.....	212,428 75
	<u>\$4,203,175 10</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this 6th day of July, 1886. S. D. ELWOOD, Treasurer.

C. F. COLLINS, Notary Public.

REPORT of the condition of the West Michigan Savings Bank, at Bangor, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67, of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$62,187 10
Furniture and Fixtures.....	161 45
Expenses.....	143 70
Due from Banks and Bankers.....	6,083 08
Legal tender and bank notes, silver coin, pennies, and nickels.....	7,480 58
	<u>\$76,005 86</u>

LIABILITIES.

Capital paid in.....	\$25,000 00
Surplus fund.....	2,500 00
Undivided profits.....	667 85
Due other banks.....	72 89
Due Depositors.....	47,765 12
	<u>\$76,005 86</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

A. B. CHASE, *Cashier.*

Subscribed and sworn to before me this ninth day of July, 1886.

GEORGE CHAPMAN, *Notary Public.*

REPORT of the condition of the Wyandotte Savings Bank at Wyandotte, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$155,017 79
Furniture and Fixtures.....	1,566 57
Due from Banks and Bankers.....	6,056 18
Legal Tender and Bank Notes.....	4,577 00
Silver, etc.....	124 08
	<u>\$167,330 57</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Undivided Profits.....	6,387 97
Due Depositors.....	110,572 60
Dividends Unpaid.....	400 00
	<u>\$167,330 57</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

W. VAN MILLER, *Cashier.*

Subscribed and sworn to before me this sixth day of July, 1886.

CHAS. F. BABCOCK, *Notary Public.*

REPORT of the condition of the Bay City Bank at Bay City, Michigan, on Saturday, July 3d, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$612,325 69
Overdrafts.....	1,489 89
Real Estate.....	6,124 84
Furniture and Fixtures.....	3,500 00
Cash Items.....	1,535 41
Checks on other Banks.....	9,881 85
Due from Banks and Bankers.....	65,719 67
Legal Tender and Bank Notes.....	41,246 87
	\$742,522 92
LIABILITIES.	
Capital paid in.....	\$150,000 00
Surplus Fund.....	50,000 00
Undivided Profits.....	7,321 94
Due other Banks.....	6,844 16
Due Depositors.....	528,066 82
Dividends Unpaid.....	820 00
	\$742,522 92

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

GEO. H. YOUNG, *Cashier.*

Subscribed and sworn to before me this 6th day of July, 1886.

WM. O. LEWIS, *Notary Public.*

REPORT of the condition of the City Bank at Battle Creek, Michigan, at the close of business Saturday, July 3d, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$353,796 49
Overdrafts.....	2,662 96
Real Estate.....	5,945 01
Furniture and Fixtures.....	2,800 00
Checks on other Banks.....	106 69
Due from Banks and Bankers.....	54,205 23
Legal Tender and Bank Notes.....	21,147 25
Gold.....	587 90
Silver.....	662 60
Nickels and Pennies.....	1 78
	\$441,944 81
LIABILITIES.	
Capital paid in.....	\$50,000 00
Surplus Fund.....	54,889 86
Undivided Profits.....	7,500 00
Due Depositors.....	329,556 48
	\$441,944 81

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

A. D. WHIPPLE, *Cashier.*

Subscribed and sworn to before me this 7th day of July, 1886.

FREDERICK A. ALLWARDT, *Notary Public.*

REPORT of the condition of the Commercial Bank at Port Huron, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$100,233 85
Overdrafts.....	479 78
Furniture and Fixtures.....	1,648 72
Expenses.....	1,812 92
Checks on other Banks.....	1,899 20
Due from Banks and Bankers.....	33,917 98
Legal Tender and Bank Notes.....	7,616 00
Gold and Silver.....	730 37
	<u>\$208,338 77</u>
LIABILITIES.	
Capital paid in.....	\$50,000 00
Undivided Profits.....	10,708 34
Due Depositors.....	147,630 43
	<u>\$208,338 77</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 JOHN W. PORTER, *Cashier.*
 Subscribed and sworn to before me this 5th day of July, 1886.
 CHAS. N. RUNNELS, *Notary Public.*

REPORT of the condition of the Commercial Bank at Mt. Pleasant, Michigan, on Tuesday, July 6th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$149,253 48
Overdrafts.....	306 27
Furniture and Fixtures.....	1,897 80
Due from Banks and Bankers.....	1,339 53
Legal Tender and Bank Notes, Silver, and other cash items.....	9,613 84
	<u>\$162,500 91</u>
LIABILITIES.	
Capital paid in.....	\$50,000 00
Surplus Fund.....	4,000 00
Undivided Profits.....	39 50
Due other Banks.....	297 66
Due Depositors.....	47,889 11
Notes and Bills re-discounted.....	57,774 64
Dividend Account.....	2,500 00
	<u>\$162,500 91</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 JOHN A. HARRIS, *Cashier.*
 Subscribed and sworn to before me this 12th day of July, 1886.
 JOHN F. RYAN, *Notary Public.*

REPORT of the condition of the Farmers' Bank of Mason, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$100,246 60
Overdrafts.....	121 93
Furniture and Fixtures.....	1,300 00
Expenses.....	8 80
Due from Banks and Bankers.....	12,740 10
Legal Tender and Bank Notes.....	12,066 23
Premium paid.....	1,088 16
	<u>\$127,521 86</u>

LIABILITIES.

Capital paid in.....	\$75,000 00
Undivided profits.....	824 07
Due Depositors.....	51,697 79
	<u>\$127,521 86</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

JOHN M. DRESSER, *Cashier.*

Subscribed and sworn to before me this 3d day of August, 1886.

JOHN C. CANNON, *Notary Public.*

REPORT of the condition of the Farmers and Mechanics' Bank at Ann Arbor, Michigan, on Saturday, July 3d, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$165,992 57
Overdrafts.....	549 32
Furniture and Fixtures.....	3,497 00
Due from Banks and Bankers.....	24,225 36
Legal Tender and Bank Notes.....	4,975 00
Bonds—United States.....	4,400 00
Local.....	2,836 07
Premium on U. S. Bonds.....	786 25
Specie.....	3,350 00
Nickels and pennies.....	67 15
	<u>\$210,627 72</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Surplus fund.....	3,486 88
Undivided profits.....	86 18
Due Depositors.....	155,856 71
Dividends Unpaid.....	1,780 00
	<u>\$210,627 73</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

WILLIAM A. TOLCHARD, *Cashier.*

Subscribed and sworn to before me this 6th day of July, 1886.

O. C. MATTHEWS, *Notary Public.*

REPORT of the condition of the Farmers' Bank of Grass Lake at Grass Lake, Michigan, at the close of business on Monday, July 5th. A. D. 1886, made in accordance with Section 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$75,383 35
Overdrafts.....	590 68
Real estate, furniture and fixtures.....	3,600 00
Premium account.....	30 18
Our own capital stock taken to secure debts.....	2,000 00
Due from Banks and Bankers.....	2,740 42
Legal Tender and Bank Notes, checks, and other cash items.....	6,673 90
	<u>\$91,028 53</u>

LIABILITIES.

Capital paid in.....	\$44,000 00
Surplus fund.....	4,377 91
Due Depositors.....	42,650 62
	<u>\$91,028 53</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this fifth day of July, 1886. CHAS. M. SPINNING, *Cashier.*

F. F. SCIDMORE, *Notary Public.*

REPORT of the condition of the Jackson City Bank at Jackson, Michigan, on Monday, July 5th, 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and discounts.....	\$569,475 61
Overdrafts.....	5,028 68
Real Estate.....	18,000 00
Banking house safe, furniture and fixtures.....	10,000 00
Checks on other banks.....	2,416 28
Due from Banks and Bankers.....	22,467 13
Legal tender and bank notes.....	48,905 00
Coin.....	14,579 20
	<u>\$690,871 86</u>

LIABILITIES.

Capital paid in.....	\$100,000 00
Surplus Fund.....	100,000 00
Reserve Fund.....	50,000 00
Undivided Profits.....	55,243 78
Due Depositors.....	885,568 07
	<u>\$690,871 86</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this seventh day of July, 1886. BENJ. NEWKIRK, *Cashier.*

GILBERT R. BYRNE, *Notary Public.*

REPORT of the condition of the Lapeer County Bank at Imlay City, Michigan, on Saturday, July 3d, A. D. 1886, made in accordance with Sections 18, 19, and 67, of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$73,189 48
Overdrafts.....	906 18
Real Estate.....	800 00
Furniture and Fixtures.....	1,200 00
Building Account.....	1,768 70
Due from Banks and Bankers.....	10,549 48
Legal Tender and Bank Notes.....	9,685 25
	<u>\$98,048 02</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Undivided profits.....	408 96
Due Depositors.....	47,639 06
	<u>\$98,048 02</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this third day of July, 1886.

JNO. BORLAND, JR., *Cashier.*
GEO. MANWARING,
Notary Public, Lapeer Co., Mich.

REPORT of the condition of the Lumberman's State Bank at West Bay City, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$198,025 96
Furniture and Fixtures.....	3,810 55
Due from Banks and Bankers.....	24,313 28
Legal Tender and Bank Notes.....	18,106 68
	<u>\$243,766 47</u>

LIABILITIES.

Capital paid in.....	\$40,000 00
Surplus Fund.....	19,000 00
Undivided Profits.....	75 00
Due Depositors.....	126,371 90
Notes and Bills Re-discounted.....	58,309 57
	<u>\$243,766 47</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this sixth day of July, 1886.

H. H. NORRINGTON, *Cashier.*
STEPHEN P. FLYNN,
Notary Public, Bay Co., Mich.

REPORT of the condition of the Merchants and Miners' Bank, at Calumet, Michigan, on Saturday, July 3d, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$243,340 43
Overdrafts.....	656 63
Real Estate.....	3,700 00
Furniture and Fixtures.....	500 00
Checks on other Banks.....	895 83
Due from Banks and Bankers.....	140,570 16
Legal Tender and Bank Notes.....	56,873 00
United States Bonds (par value).....	25,000 00
Specie, Gold.....	21,500 00
Silver, including Nickels and Pennies.....	1,508 88
	<u>\$496,025 37</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Surplus Fund.....	20,000 00
Undivided Profits.....	12,280 82
Due other Banks.....	7,817 36
Due Depositors.....	402,872 51
Dividend Account.....	3,000 00
Foreign Exchange.....	54 68
	<u>\$496,025 37</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this sixth day of July, 1886.

HENRY S. COLTON, *Cashier.*

STEPHEN PAULL, *Notary Public.*

REPORT of the condition of the Pioneer Bank at North Branch, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67, of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$34,434 86
Safe and Fixtures.....	656 25
Expenses.....	144 85
Due from Banks and Bankers.....	5,049 32
Legal Tender and Bank Notes and Coin.....	4,514 91
	<u>\$44,799 69</u>

LIABILITIES.

Capital paid in.....	\$20,000 00
Surplus Fund.....	1,000 00
Interest and Exchange.....	529 89
Due Depositors.....	13,269 80
	<u>\$44,799 69</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this 6th day of July, 1886.

R. B. LIPPINCOTT, *Cashier.*

J. H. BIDWELL, *Notary Public.*

REPORT of the condition of the People's Bank at Manchester, Michigan, on Tuesday, July 6th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$37,554 59
Overdrafts.....	79 71
Real Estate, and Furniture and Fixtures.....	14,107 18
Due from Banks and Bankers.....	15,079 17
Legal Tender and Bank Notes.....	8,072 00
Coin.....	241 50
	<u>\$125,134 10</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Surplus Fund.....	4,806 37
Due Depositors.....	46,666 13
Bills Payable.....	23,661 60
	<u>\$125,134 10</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this sixth day of July, 1886.

W. L. WATKINS, *Cashier.*

N. SCHMID, *Notary Public.*

REPORT of the condition of the State Bank at Fenton, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$69,648 86
Overdrafts.....	55 18
Furniture and Fixtures.....	1,500 00
Due from Banks and Bankers.....	38,490 36
Legal Tender and Bank Notes.....	12,211 00
Specie.....	9,060 73
	<u>\$130,926 13</u>

LIABILITIES.

Capital paid in.....	\$50,000 00
Undivided Profits.....	1,863 08
Due Depositors.....	79,124 11
	<u>\$130,926 13</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this 5th day of July, 1886.

W. W. MILLARD, *Cashier.*

J. L. TOPPING, *Notary Public.*

REPORT of the condition of the State Bank at Midland, Michigan, on Monday, July 5th, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$72,917 91
Overdrafts.....	689 51
Real Estate.....	3,000 00
Furniture and Fixtures.....	1,606 66
Checks on other Banks.....	2,280 66
Due from Banks and Bankers.....	5,659 89
Legal Tender and Bank Notes.....	4,000 00
	<u>\$90,153 18</u>

LIABILITIES.	
Capital paid in.....	\$50,000 00
Surplus Fund.....	2,000 00
Undivided Profits.....	1,381 27
Due other Banks.....	1,404 46
Due Depositors.....	35,417 40
	<u>\$90,153 18</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 Subscribed and sworn to before me this 6th day of July, 1886. **WILLIAM D. MARSH, Cashier.**

M. H. STANFORD,
Notary Public in and for Midland County, Michigan.

REPORT of the condition of the Union Banking Co. Bank at St. Joseph, Michigan, on Monday, July 5th, at the close of business, A. D. 1886, made in accordance with Sections 18, 19, and 67 of the General Banking Laws, as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$79,272 19
Overdrafts.....	24 21
Furniture and Fixtures.....	3,008 41
Expenses.....	1,788 10
Due from Banks and Bankers.....	81,175 90
Legal Tender and Bank Notes.....	21,438 07
Bonds—Chicago City, Lake Township and Mortgage.....	12,500 00
Premium Account.....	586 78
	<u>\$149,787 66</u>

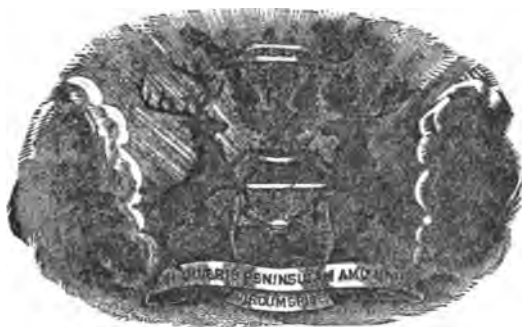
LIABILITIES.	
Capital paid in.....	\$50,000 00
Undivided Profits.....	3,522 61
Due Depositors.....	96,265 05
	<u>\$149,787 66</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 Subscribed and sworn to before me this 6th day of July, 1886. **ORVILLE O. JORDAN, Cashier.**

CHAS. FOSTER, Notary Public.

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TO THE
GENERAL LAWS
OF THE
STATE OF MICHIGAN,
ENACTED BY THE LEGISLATURE DURING THE YEARS
1882, 1883, 1885 and 1887,
AND TO SECTIONS AND CHAPTERS OF
HOWELL'S ANNOTATED STATUTES
AMENDED OR REPEALED.

Prepared and published under the supervision of the Secretary of State, in
compliance with Act No. 87, Laws of 1885.



BY AUTHORITY.

LANSING:
THORP & GODFREY, STATE PRINTERS AND BINDERS.
1887.

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* NOTE.—Chapters 122 and 124 of Howell's Statutes are repealed so far as they relate to manufact-
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a Ch. 26 of Howell's Statutes repealed if act of 1887 is ratified by a vote of the electors.

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* See sec. 6458 a Howell's Statutes.

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* See sec. 6453 a Howell's Statutes.

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r, repealed.

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r, repealed.

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* Act to establish, approved April 2, 1850, and amendments repealed, 1885, p. 223.

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a See note on page 532.

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s, superseded.

* See sections 9642a and 9642b, Howell.

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* NOTE.—Acts relating to management of asylums for the insane, being sections 1873 to 1930 inclusive, 1944 and 1945, also 1932 to 1961 inclusive, of Howell's Statutes, repealed; see section 49 of act 135 of 1885, page 152.

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r, repealed.

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* Act 123 of laws of 1881 repealed.

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* See sec. 6458 a Howell's Statutes.

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* Act 182 of 1846 amended.

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* Act to establish, approved April 2, 1850, and amendments repealed, 1885, p. 226.

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1946 to 1951, inclusive.....	1883	215	7625.....	1883	87
1952 to 1961, inclusive.....	1885	152	7626.....	1887	105
1988 to 1997, inclusive.....	1883	142	7628.....	1887	108
2144 to 2148, inclusive.....	1885	64	7629.....	1887	109
2149.....	1887	350	8377 to 8397, inclusive.....	1887	369
2159 to 2162, inclusive.....	1887	350	8412 to 8427, inclusive.....	1887	286
2166.....	1885	93	8749 a to 8749 l, inclusive.....	1885	59
2167, 2168.....	1887	350	9187.....	1887	165
2169.....	1885	93	9189.....	1887	168
2171.....	1887	350	Page 1262, Howell's, added Sec. 14.....	1885	293
2196 to 2197a, inclusive.....	1887	350	Pages 1266-1262, Howell's.....	1886	210

^a See note on page 582.

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